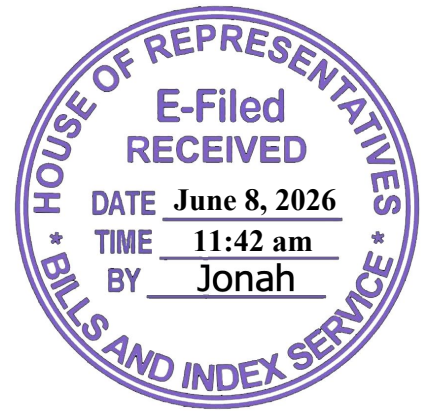


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. **9824**



Introduced by: **REPRESENTATIVE ERIC L. OLIVAREZ**

EXPLANATORY NOTE

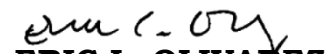
Overseas Filipino Workers (OFWs) make invaluable contributions to the Philippine economy through their hard work and sacrifice abroad. In recognition of their vital role in nation-building, it is imperative that the government ensure accessible, affordable, and quality healthcare services for OFWs and their families.

While the establishment of the OFW Hospital in San Fernando, Pampanga marked a significant step in addressing the healthcare needs of migrant workers, there remains a need to expand access to specialized healthcare services in other parts of the country and to institutionalize financial protection for OFWs seeking medical treatment.

This measure strengthens the OFW Hospital, authorizes the establishment or designation of Regional OFW Hospitals to bring healthcare services closer to OFWs and their dependents, and institutionalizes a zero-billing policy to ensure that qualified OFWs and their dependents receive medically necessary treatment without financial burden, subject to existing laws and available government assistance programs.

By enhancing healthcare access and support mechanisms for OFWs and their families, this bill affirms the State's commitment to safeguarding the welfare of the nation's modern-day heroes.

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


ERIC L. OLIVAREZ

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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TWENTIETH CONGRESS
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House Bill No. 9824

Introduced by: **REPRESENTATIVE ERIC L. OLIVAREZ**

**“AN ACT
ENHANCING THE MEDICAL ACCESS OF OVERSEAS FILIPINO
WORKERS (OFWs) AND THEIR FAMILIES BY STRENGTHENING
THE OFW HOSPITAL AND APPROPRIATING FUNDS
THEREFOR”**

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

SECTION 1. *Short Title*- This act shall be known as the “*OFW Hospital Act.*”

SECTION 2. *Declaration of Policy*- It is the policy of the State to adopt an integrated and comprehensive approach to health development which shall endeavor to make the essential goods, health, and other social services available to all the people and affordable cost. To this end, the State shall protect the interest and promote the well-being of Overseas Filipino Workers (OFWs) through the provision of social welfare services in recognition of their importance and contribution to economic development and nation-building.

SECTION 3. *Definition of Terms*- As used in this Act:

a) Dependents to refers of the following:

- 1) The legal spouse entitled by law to receive support from the OFW;
- 2) The legitimate, legitimated, legally adopted, or illegitimate child who is unmarried, not gainfully employed, and has not reached 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; or
- 3) The parents who receive regular support from the OFW; and

- b) Overseas Filipino Worker (OFW) or Migrant Worker refers to a Filipino who has been engaged, is engaged, or is to be engaged in a remunerated activity in a country of which she said person is not an immigrant citizen, or a permanent resident of, 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 purposes. For purposes of this Act, a person engaged in overseas employment but has yet to leave the Philippines, regardless of status, and includes “Overseas Contract Workers.”

SECTION 4. *OFW Hospital and Diagnostic Center*- The “Overseas Filipino Worker Hospital and Diagnostic Center” (OFW Hospital) established in the City of San Fernando, province of Pampanga shall primarily cater to OFWs and their dependents. It shall be a government instrumentality with corporate powers, managed and supervised by the Board of Trustees chaired by the Secretary of the Department of Migrant Workers (DMW), being the primary national agency with the mandate of ensuring the welfare of the OFWs and their dependents. Provided, that nothing herein shall prevent the OFW Hospital from accommodating patients other than OFWs or their qualified dependents.

SECTION 4-A. *Regional OFW Hospitals*. - To expand access to specialized healthcare services for Overseas Filipino Workers (OFWs) and their qualified dependents, the Department of Migrant Workers (DMW), in coordination with the Department of Health (DOH), may establish Regional OFW Hospitals or designate existing government hospitals, medical centers, and specialty hospitals as Regional OFW Hospitals in areas with a significant concentration of OFWs and their families, subject to the availability of funds and compliance with existing laws, rules, and regulations.

The Regional OFW Hospitals shall provide services consistent with the purposes and objectives of this Act and shall coordinate with the OFW Hospital in the City of San Fernando, Pampanga to ensure an integrated referral and healthcare delivery system for OFWs and their qualified dependents.

SECTION 5. *Purposes and Objectives* – The OFW Hospital shall:

- a.) Establish, operate and maintain medical facilities, including a medical and diagnostic center to provide comprehensive and people center health care services to OFWs and their qualified dependents and the general public.
- b.) Serve as a national referral facility for repatriated OFWs needing medical assistance and support while ensuring its participation in the provincial and inter-regional healthcare provider networks to allow for

a seamless and coordinated referral system for the medical repatriation program in accordance with Republic Act No. 11223 or the “Universal Health Care Act.”

- c.) Promote, encourage, engage in, and publish scientific research on the prevention, care, and treatment of occupational diseases to OFWs, including the underwriting of research on biological, demographic, social, economic, eugenics, physiological aspects of occupational disorders of OFWs, and conduct relevant congresses, conventions, seminars and conferences.
- d.) Develop training programs for medical and allied medical professionals while shall focus on strengthening occupational and migrant health services in the country and the creation of specialized services.
- e.) Provide telehealth services to migrant workers and their dependents for follow up consultations, and to assist in the medical assessment and management of distresses OFWs while awaiting repatriation, which may be extended at the Philippine foreign posts or migrant workers offices:
- f.) Conduct pre-employment medical examinations of OFW applicants, subject to pertinent rules and regulations;
- g.) Strengthen health surveillance through the provision of a post-employment or post-arrival medical examination for OFWs, in consonance with Republic Act No. 8042 or the “Migrant Workers and Overseas Filipinos Act of 1995” as amended, and the Philippine Migrant Health Program of the Department of Health (DOH);
- h.) Raise public awareness and conduct a massive information drive on the prevention, treatment, and control of diseases common to OFWs, occupational health and safety, and physical fitness; and
- i.) Assist and support universities, research institutions, and other hospitals or medical facilities in their studies on health-related concerns of OFWs.

SECTION 6. Powers of the OFW Hospital. –The OFW Hospital shall have the powers to:

- a.) Acquire and hold, in any manner, property of whatever nature or description, and to dispose of such property under any mode of encumbrance or conveyance;
- b.) Contract and be contracted with;

- c.) Levy, assess and collect such fees, charges, and assessments as may be necessary or proper to support, finance, and maintain its operation;
- d.) Mortgage, lease, sell, transfer, convey, or otherwise dispose of its properties;
- e.) Invest in, and purchase or otherwise acquire, own, hold, use, lease grant, mortgage, sell, transfer or otherwise deal with, real and/or personal properties of every kind and nature, including shares of stock, bonds, notes and other evidence of indebtedness or obligations of other corporations whether government or private;
- f.) Solicit and receive donations, endowments, and funds in the forms of contributions, whether in cash or in kind, from both the public and private sectors subject to existing budgeting, accounting, and auditing rules and regulations;
- g.) Open accounts in banks and other financial institutions, and to disburse funds or invest the same as the DMW Secretary may direct to accomplish or advance the purposes or interest of the hospital;
- h.) Invite foreign specialists and experts in the various medical fields not available in the country to train the personnel, trainees, and residents;
- i.) Send the personnel to research institutes, medical institutes, or universities for advanced training or observation and to attend international or regional conventions, conferences, congresses, and seminars as the Medical Center Chief may deem necessary to accomplish the purposes and objectives of OFW Hospital, subject to the approval of the DMW Secretary; and
- j.) Exercise such other powers and functions as may be necessary or incidental for the accomplishment of the purposes and objectives of the OFW Hospital.

SECTION 7. *Creation of the OFW Hospital Board of Trustees.* – There is hereby created an OFW Hospital Trust, for the benefit of OFWs, to be administered by a Board of Trustees, composed of seven (7) members. Three (3) members of the Board shall constitute a quorum to transact business and any decision of the three (3) members on any matter shall constitute a valid and binding act of the OFW Hospital.

The Composition of the OFW Hospital Board shall be as follows;

- a.) Chairperson: Secretary, DMW;
- b.) Vice-Chairperson: Secretary, Department of Health (DOH); and

c.) Members:

- 1.) Secretary, Department of Labor and Employment;
- 2.) Administrator, Overseas Workers Welfare Administration (OWWA);
- 3.) Secretary, Department of Social Welfare and Development;
- 4.) Land-based OFWs Representative; and
- 5.) Sea-based OFWs Representative

The representatives of land-based and sea-based OFWs shall be appointed by the President from a list of nominees of their OFW organizations as endorsed by the Chairperson to the President. The nominees shall at least be forty (40) years of age, and an OFW with at least five (5) years of work experience abroad at the time of his or her nomination. The members of the Board may elect an alternate, whose name shall be submitted to the President for appointment. In case of vacancy, the bread of agency may nominate ab alternate, subject to official appointment by the President of the Philippines.

The following shall be the powers and functions of the Board of Trustees:

- a.) Approve and promulgate policies, guidelines, programs, and plans for the sound administration, maintenance, and operations of the OFW Hospital for the Implementation of the purposes and objectives of this Act;
- b.) Approve the organizational structure and staffing pattern of the OFW Hospital in accordance with the revised compensation and position classification system subject to the evaluation and approval of the DBM and in compliance with civil service and other pertinent laws, rules and regulations;
- c.) Appoint, remove, suspend or otherwise discipline the officers of OFW Hospital occupying executive and senior management positions subject to civil service and other applicable laws, rules and regulations;
- d.) Adopt the annual and supplemental budget of the OFW Hospital; and
- e.) Exercise all the general powers necessary or proper for the attainment of the purpose and objectives of this Act.

SECTION 8. Medical Center Chief. – The Medical Center Chief shall be appointed by the DMW Secretary. The Medical Center Chief shall have the following duties and responsibilities:

- a.) Provide overall direction and strategic leadership to the OFW Hospital; toward the provision of high-quality health services;

- b.) Oversee all managerial and administrative processes and operations of all departments of the OFW Hospital;
- c.) Supervise the daily activities of functional units;
- d.) Ensure high standards in clinical training for medical and allied medical personnel;
- e.) Execute, on behalf of the OFW Hospital, all contracts and agreements which it may enter into and accomplish and deliver any and all documents relative to such contracts and agreements, subject to the approval of the DMW Secretary;
- f.) Represent the OFW Hospital in all dealings with other offices, agencies and instrumentalities of the government and all other persons or entities, domestic or foreign and government or private;
- g.) Submit, for the consideration and approval of the Board, the proposed development plans, programs, measures, policies, and guidelines necessary for the effective implementation of the purposes and objectives of this ACT;
- h.) Appoint, promote, transfer, remove, suspend, or otherwise discipline the officers and employees of the OFW Hospital, except those appointed by the Board;
- i.) Exercise such other powers and perform such duties as may be vested by the DMW Secretary.

SECTION 9. *Duties and Responsibilities of the DMW.* – The DMW shall:

- a.) Establish a focal office for migration and health in the DMW to ensure that the country's migrant health program is mainstreamed in the plans and programs of the OFW Hospital which shall include:
 - 1.) Assistance in identifying, documenting, processing, and approving applications for benefits granted to OFWs and their qualified dependents;
 - 2.) Establishments of a referral system within the OFW Hospital to ensure efficient delivery of medical and health care services to OFWs and their qualified dependents;
 - 3.) Strengthening of the existing health benefits and medical assistance programs, through OWWA, such as subsidies on hospitalization and

medical procedures for OFWs and their qualified dependents, subject to the availability of funds and resources; and

- 4.) Active engagement in the Philippine Migrant Health Network, an inter-agency, multi-stakeholder network for migrant health, composed of members from other government, non-governmental agencies, academe, civil society organizations, private sector, and international organizations, to advocate and lobby support for migrant health programs.
- b.) Create a consultative committee and other necessary mechanisms for the effective participation of land-based and sea-based accredited OFW organizations in the formulation of policies for the effective implementation of programs and measures to attain the objectives of the OFW Hospital; and
- c.) Perform such other functions that are necessary for the attainment of the purposes and objectives of this Act.

SECTION 10. *Duties and Responsibilities of the DOH.* – The DOH shall:

- a.) Ensure that the necessary permits and licenses to operate the OFW Hospital are obtained, consistent with relevant issuances, rules and regulations;
- b.) Endorse and encourage medical specialists in other government hospitals such as the Philippines Heart Center, National Kidney and Transplant Institute, Lung Center of the Philippines, National Children's Hospital, and the Philippine General Hospital, to hold clinics in the OFW Hospitals;
- c.) Support the OFW Hospital through the provision of technical assistance, extending capital outlay, and monitoring the hospital's compliance with standards to deliver quality healthcare; and
- d.) Perform such other functions that are necessary for the attainment of the purposes and objectives of this Act.

SECTION 11. *Support from other Government Agencies.* – The OWWA shall ensure that existing health benefits and medical assistance programs for the OFWs and their qualified dependents are strengthened: Provided, that nothing in this Act shall be construed to diminish or reduce the existing benefits of OFWs and their dependents provided under R.A No. 11223

All other agencies, departments, bureaus, offices, or instrumentalities of the government, including government-owned or controlled corporations, shall

render assistance to the OFW Hospital for the effective implementation of this Act.

SECTION 11-A. Zero-Billing Policy for Qualified OFWs and Their Dependents. The OFW Hospital and any Regional OFW Hospital established or designated under this Act shall implement a zero-billing policy for qualified Overseas Filipino Workers (OFWs) and their dependents, subject to existing laws and the availability of funds.

For purposes of this Act, "zero-billing" shall mean that no qualified OFW or dependent shall be charged or billed for medically necessary services covered by the hospital, after application of applicable benefits from the Philippine Health Insurance Corporation (PhilHealth), Overseas Workers Welfare Administration (OWWA), and other available government medical assistance programs.

The Department of Migrant Workers (DMW), the Department of Health (DOH), the Overseas Workers Welfare Administration (OWWA), PhilHealth, and other concerned agencies shall coordinate to ensure the effective implementation and sustainability of the zero-billing policy established under this Act.

SECTION 12. – Tax Exemption. – All grants, bequests, endowments, donations, and contributions made to the OFW Hospital to be used actually, directly, and exclusively by the OFW 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 used actually, directly, and exclusively for the operation of the OFW Hospital and are not available locally shall be exempt from value-added tax and customs duty.

SECTION 13. Funding for the OFW Hospital. – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the DMW. Thereafter, such amounts as may be necessary for the continued operation, upgrading, expansion, and maintenance of the OFW Hospital, the establishment and operation of Regional OFW Hospitals, and the implementation of the zero-billing policy for qualified OFWs and their dependents shall be included in the annual General Appropriations Act.

SECTION 14. – Implementing Rules and Regulations. – Within sixty (60) days from the approval of this Act, the DMW shall, in consultation with the DOH, the OWWA, and other stakeholders, promulgate the rules and regulations to carry out the provisions of this Act.

SECTION 15. – Separability Clause. – If any of this Act is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue

to be in full force and effect.

SECTION 16. – *Repealing Clause.* – All laws, presidential decrees, executive orders, letters of instruction, proclamations, and rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 17. – *Effectivity.* – This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in a newspaper of general circulation.

Approved.