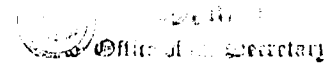


**NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Third Regular Session )**



24 SEP 11 P 6:42

**SENATE**

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**S.B. No. 2822**

**(In Substitution of SB No. 566, 1512, 2297, 2339, 2340 and 2414  
taking into consideration HB No. 8325)**

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**Prepared by the Committees on Health and Demography (upon the  
recommendation of Subcommittee on Overseas Filipino Workers Hospital);  
Migrant Workers; Ways and Means; and Finance with Senators Villanueva,  
Revilla Jr., Go, Tulfo, and Estrada, as authors thereof.**

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**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 Representatives of the Philippines in  
Congress assembled:*

1 **Section 1. Short Title.** - This Act shall be known as the "OFW Hospital Act".

2  
3 **SEC. 2. Declaration of Policy.** - It is the policy of the State to adopt an integrated  
4 and comprehensive approach to health development which shall endeavor to make  
5 essential goods, health, and other social services available to all people at affordable

34 cost. To this end, the State shall protect the interest and promote the well-being of  
35 overseas Filipino workers (OFWs) through the provision of social welfare services in  
36 recognition of their importance and contribution to economic development and nation-  
37 building.

38

39 **SEC. 3. Definition of Terms.** – As used in this Act:

40 a) *Dependents* refer to any of the following:

41 1) The legal spouse entitled by law to receive support from the OFW;

42 2) The legitimate, legitimated, legally adopted, or illegitimate child who is  
43 unmarried, not gainfully employed, and has not reached twenty-one (21) years of age,  
44 or if over twenty-one (21) years of age, is congenitally incapacitated or while still a  
45 minor has been permanently incapacitated and incapable of self-support, physically or  
46 mentally; or

47 3) The parents who receive regular support from the OFW; and

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

57

58 **Sec. 4. OFW Hospital and Diagnostic Center.** - The "Overseas Filipino Worker  
59 Hospital and Diagnostic Center" (OFW Hospital) established in the city of San  
60 Fernando, province of Pampanga shall primarily cater to OFWs and their dependents.  
61 It shall be a government instrumentality with corporate powers, managed and  
62 supervised by a Board of Trustees chaired by the Secretary of the Department of  
63 Migrant Workers (DMW), being the primary national agency with the mandate of  
64 ensuring the welfare of the OFWs and their dependents: *Provided*, That nothing herein

65 shall prevent the OFW Hospital from accommodating patients other than OFWs or  
66 their qualified dependents.

67

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

69 a) Establish, operate and maintain medical facilities, including a medical  
70 and diagnostic center to provide comprehensive and people-centered health care  
71 services to OFWs and their qualified dependents and the general public.

72 b) Serve as a referral facility for repatriated OFWs needing medical  
73 assistance and support while ensuring its participation in the provincial and inter-  
74 regional healthcare provider networks to allow for a seamless and coordinated referral  
75 system for the medical repatriation program in accordance with Republic Act No.  
76 11223 or the "*Universal Health Care Act*";

77 c) Promote, encourage, engage in, and publish scientific research on the  
78 prevention, care, and treatment of occupational diseases common to OFWs, including  
79 the underwriting of research on biological, demographic, social, economic, eugenics,  
80 physiological aspects of occupational disorders of OFWs, and conduct relevant  
81 congresses, conventions, seminars, and conferences;

82 d) Develop training programs for medical and allied medical professionals  
83 which shall focus on strengthening occupational and migrant health services in the  
84 country and the creation of specialized services;

85 e) Provide telehealth services to migrant workers and their dependents for  
86 follow up consultation, and to assist in the medical assessment and management of  
87 distressed OFWs while awaiting repatriation, which may be extended at Philippine  
88 foreign posts or migrant workers offices;

89 f) Conduct pre-employment medical examinations of OFW applicants,  
90 subject to pertinent rules and regulations;

91 g) Strengthen health surveillance through the provision of a post-  
92 employment or post-arrival medical examination for OFWs, in consonance with  
93 Republic Act No. 8042 or the "*Migrant Workers and Overseas Filipinos Act of 1995*,"  
94 as amended, and the Philippine Migrant Health Program of the Department of Health  
95 (DOH);

96 h) Raise public awareness and conduct a massive information drive on the  
97 prevention, treatment, and control of diseases common to OFWs, occupational health  
98 and safety, and physical fitness; and

99 i) Assist and support universities, research institutions, and other  
100 hospitals or medical facilities in their studies on health-related concerns of OFWs.

101

102 **SEC. 6. Powers of the OFW Hospital.** – The OFW Hospital shall have the powers  
103 to:

104 a) Acquire and hold, in any manner, property of whatever nature or  
105 description, and to dispose of such property under any mode of encumbrance or  
106 conveyance;

107 b) Contract and be contracted with;

108 c) Levy, assess and collect such fees, charges, and assessments as may be  
109 necessary or proper to support, finance, and maintain its operation;

110 d) Mortgage, lease, sell, transfer, convey, or otherwise dispose of its  
111 properties;

112 e) Invest in, and purchase or otherwise acquire, own, hold, use, lease  
113 grant, mortgage, sell, transfer or otherwise deal with, real and/or personal properties  
114 of every kind and nature, including shares of stock, bonds; notes and other evidence  
115 of indebtedness or obligations of other corporations whether government or private;

116 f) Solicit and receive donations, endowments, and funds in the form of  
117 contributions, whether in cash or in kind, from both the public and private sectors  
118 subject to existing budgeting, accounting, and auditing rules and regulations;

119 g) Open accounts in banks and other financial institutions, and to disburse  
120 funds or invest the same as the DMW Secretary may direct to accomplish or advance  
121 the purposes or interest of the hospital;

122 h) Invite foreign specialists and experts in the various medical fields not  
123 available in the country to train the personnel, trainees, and residents;

124 i) Send the personnel to research institutes, medical institutes, or  
125 universities for advanced training or observation and to attend international or regional  
126 conventions, conferences, congresses, and seminars as the Medical Center Chief may

127 deem necessary to accomplish the purposes and objectives of the OFW Hospital,  
128 subject to the approval of the DMW Secretary; and

129 j) Exercise such other powers and functions as may be necessary or  
130 incidental for the accomplishment of the purposes and objectives of the OFW Hospital.

131

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

137 The Composition of the OFW Hospital Board shall be as follows:

- 138 a) Chairperson: Secretary, DMW;  
139 b) Vice-Chairperson: Secretary, Department of Health (DOH); and  
140 c) Members:  
141 1) Secretary, Department of Labor & Employment;  
142 2) Administrator, Overseas Workers Welfare Administration (OWWA);  
143 3) Secretary, Department of Social Welfare and Development;  
144 4) Land-based OFWs Representative; and  
145 5) Sea-based OFWs Representative

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

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

- 155 a) Approve and promulgate policies, guidelines, programs, and plans for  
156 the sound administration, maintenance, and operations of the OFW Hospital for the  
157 implementation of the purposes and objectives of this Act;

158           b)       Approve the organizational structure and staffing pattern of the OFW  
159 Hospital in accordance with the revised compensation and position classification  
160 system subject to the evaluation and approval of the DBM and in compliance with civil  
161 service and other pertinent laws, rules and regulations;

162           c)       Appoint, remove, suspend, or otherwise discipline the officers of OFW  
163 Hospital occupying executive and senior management positions subject to civil service  
164 and other applicable laws, rules and regulations;

165           d)       Adopt the annual and supplemental budget of the OFW Hospital; and

166           e)       Exercise all the general powers necessary or proper for the attainment  
167 of the purpose and objectives of this Act.

168

169           **SEC. 8. *Medical Center Chief.*** – The Medical Center Chief shall be appointed by  
170 the DMW Secretary.

171           The Medical Center Chief shall have the following duties and responsibilities:

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

174           b)       Oversee all managerial and administrative processes and operations of  
175 all departments of the OFW Hospital;

176           c)       Supervise the daily activities of functional units;

177           d)       Ensure high standards in clinical training for medical and allied medical  
178 personnel;

179           e)       Execute, on behalf of the OFW Hospital, all contracts and agreements  
180 which it may enter into and accomplish and deliver any and all documents relative to  
181 such contracts and agreements, subject to the approval of the DMW Secretary;

182           f)       Represent the OFW Hospital in all dealings with other offices, agencies,  
183 and instrumentalities of the government and all other persons or entities, domestic or  
184 foreign and government or private;

185           g)       Submit, for the consideration and approval of the Board, the proposed  
186 development plans, programs, measures, policies, and guidelines necessary for the  
187 effective implementation of the purposes and objectives of this Act;

188 h) Appoint, promote, transfer, remove, suspend or otherwise discipline the  
189 officers and employees of the OFW Hospital, except those appointed by the Board;  
190 and

191 i) Exercise such other powers and perform such duties as may be vested  
192 by the DMW Secretary.

193

194 **SEC. 9. Duties and Responsibilities of the DMW.** - The DMW shall:

195 a) Establish a focal office for migration and health in the DMW to ensure  
196 that the country's migrant health program is mainstreamed in the plans and programs  
197 of the OFW Hospital which shall include:

198 1) Assistance in identifying, documenting, processing, and approving  
199 applications for benefits granted to OFWs and their qualified dependents;

200 2) Establishment of a referral system within the OFW Hospital to ensure  
201 efficient delivery of medical and health care services to OFWs and their qualified  
202 dependents;

203 3) Strengthening of the existing health benefits and medical assistance  
204 programs, through OWWA, such as subsidies on hospitalization and medical  
205 procedures for OFWs and their qualified dependents, subject to the availability of  
206 funds and resources; and

207 4) Active engagement in the Philippine Migrant Health Network, an inter-  
208 agency, multi-stakeholder network for migrant health, composed of members from  
209 other government, non-governmental agencies, academe, civil society organizations,  
210 private sector, and international organizations, to advocate and lobby support for  
211 migrant health programs.

212 b) Create a consultative committee and other necessary mechanisms for  
213 the effective participation of land-based and sea-based accredited OFW organizations  
214 in the formulation of policies for the effective implementation of programs and  
215 measures to attain the objectives of the OFW Hospital; and

216 c) Perform such other functions that are necessary for the attainment of  
217 the purposes and objectives of this Act.

218

219 **SEC. 10. Duties and Responsibilities of the DOH.** - The DOH shall:

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

231

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

237 All other agencies, departments, bureaus, offices, or instrumentalities of the  
238 government, including government-owned or-controlled corporations, shall render  
239 assistance to the OFW Hospital for the effective implementation of this Act.

240

241 **Sec. 12. *Tax Exemption.*** - All grants, bequests, endowments, donations, and  
242 contributions made to the OFW Hospital to be used actually, directly, and exclusively  
243 by the OFW Hospital shall be exempt from donor's tax and the same shall  
244 be considered as allowable deduction from the gross income of the donor, in  
245 accordance with the provisions of the National Internal Revenue Code of 1997, as  
246 amended. The importation of equipment, machinery, and spare parts used actually,  
247 directly, and exclusively for the operation of the OFW Hospital and are not available  
248 locally shall be exempt from value-added tax and customs duty.

249

250 **Sec. 13. *Funding-for the OFW Hospital.*** - The amount necessary for the initial  
251 implementation of this Act shall be charged against the current year’s appropriations



252 of the DMW. Thereafter, the amount necessary for its continued implementation shall  
253 be included in the Annual General Appropriations Act.

254 All income generated from the operations of the OFW Hospital shall be deposited  
255 in an authorized government depository bank and be used to augment the hospital's  
256 operating requirements.

257

258 **SEC. 14. *Implementing Rules and Regulations.*** - Within sixty (60) days from the  
259 approval of this Act, the DMW shall, in consultation with the DOH, the OWWA, and  
260 other stakeholders, promulgate the rules and regulations to carry out the provisions  
261 of this Act.

262

263 **SEC. 15. *Separability Clause.*** - If any provision of this Act is declared invalid or  
264 unconstitutional, the remaining provisions not affected thereby shall continue to be in  
265 full force and effect.

266

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

271

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

274

275 *Approved,*