



HOUSE OF REPRESENTATIVES

H. No. 5477

BY REPRESENTATIVES TAN (A.), OUANO-DIZON, GATCHALIAN, ALMARIO, GONZALES (A.), DAZA, VILLAFUERTE, VILLARAZA-SUAREZ, SUAREZ (D.), NIETO, SY-ALVARADO, ROMUALDEZ (Y.M.), ROMUALDEZ (F.M.), DELOSO-MONTALLA, HERNANDEZ, GONZAGA, OLIVAREZ, ARAGONES, GONZALEZ, YAP (E.), TULFO, TADURAN, CHATTO, SUANSING (E.), CUEVA, YAP (V.), ROBES, LAGON, MADRONA, TORRES-GOMEZ, SAVELLANO, MARIANO-HERNANDEZ, BARBA, LOYOLA, RAMOS, SINGSON-MEEHAN, GERON, PADIERNOS, MATUGAS, BAUTISTA-BANDIGAN, REYES, ONG (J.), FRASCO, LIMKAICHONG, TAMBUNTING, DALIPE, ANGARA, BENITEZ, CARI, CRISOLOGO, DEL MAR, FARIÑAS (R.C.), ORTEGA, ROQUE, SANCHEZ, SIAO, TUTOR, TY, VALMAYOR, VIOLAGO, BOLILIA, REVILLA, ABUNDA, DIMAPORO (A.), LABADLABAD, ONG (R.), NUÑEZ-MALANYAON, LOPEZ, PADUANO, VERGARA, ROMUALDO, RODRIGUEZ, TIANGCO, AGABAS, GARBIN, ARROYO, TEVES (J.), BARZAGA, KHO (W.), TAN (A.S.), DY (F.M.C.), QUIMBO, SACDALAN, JIMENEZ, DIMAPORO (M.K.), MARCOLETA, ABU, KHO (E.), GO (M.), AND ALONTE, PER COMMITTEE REPORT NO. 76

AN ACT ESTABLISHING MALASAKIT CENTERS IN ALL DEPARTMENT OF HEALTH (DOH) HOSPITALS IN THE COUNTRY AND IN THE PHILIPPINE GENERAL HOSPITAL (PGH), PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

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
2 "Malasakit Centers Act".

1 SEC. 2. *Declaration of Policies.* – It is the declared policy of
2 the State to improve the delivery of health care services to the people,
3 and to ensure access to and efficiency in the process of availing
4 medical and financial assistance to fund health services. Towards
5 this end, the State shall:

6 (a) Adopt a multi-sectoral and streamlined approach in
7 addressing health issues and affirm the inherently integrated and
8 indivisible linkage between health and social services consistent with
9 the whole-of-government, whole-of-society and whole-of-system
10 framework of Republic Act No. 11223, otherwise known as the
11 “Universal Health Care (UHC) Act”;

12 (b) Ensure that patients experience compassion and empathy
13 or “malasakit”, and receive respect and dignity in the availment of
14 health services; and

15 (c) Provide medical and financial assistance through a
16 one-stop shop.

17 SEC. 3. *Definition of Terms.* – For purposes of this Act, the
18 following terms shall mean:

19 (a) *DOH Hospital* refers to a hospital under the management
20 and administration of the Department of Health (DOH), including
21 the four (4) corporate hospitals under the Secretary of Health,
22 namely: Philippine Heart Center, Lung Center of the Philippines,
23 National Kidney and Transplant Institute and the Philippine
24 Children’s Medical Center;

25 (b) *Financial Assistance* refers to monetary aid, in the form of
26 guaranty letter, cash or check, which covers burial, transportation,
27 and other allied assistance or physical aid, such as food, clothing,
28 general assistive devices, given by agencies and mandated by existing
29 laws, rules and regulations to provide such assistance;

1 (c) *Financially incapacitated patient* refers to a patient who
2 is not classified as indigent but who demonstrates clear inability to
3 pay or spend for necessary expenditures for one's medical treatment,
4 such as patients with catastrophic illness or any illness, which is life
5 or limb-threatening and requires prolonged hospitalization,
6 extremely expensive therapies or other special but essential care that
7 would deplete one's financial resources, as assessed and certified by
8 the medical social worker;

9 (d) *Indigent Patient* refers to patient who has no visible means
10 of income, or whose income is insufficient for the subsistence of
11 his/her family, as assessed by the Department of Social Welfare and
12 Development (DSWD), local government social worker or the medical
13 social worker of the health facility;

14 (e) *Medical Assistance* refers to assistance for out-of-pocket
15 expense in the form of coupon, stub, guaranty letter, promissory note
16 or voucher that has monetary value, given directly to recipients or
17 beneficiaries to be used for the purchase of drugs, medicines, goods
18 or other services prescribed by the physician of a health facility for
19 in- and out-patients;

20 (f) *One-Stop Shop* refers to a common site or location
21 designated to receive and process requests for medical and financial
22 assistance for indigent and financially incapacitated patients;

23 (g) *Out-of-pocket expense* refers to medical and surgical
24 services arising from hospitalization not currently paid for or
25 sufficiently covered by Philippine Health Insurance Corporation
26 (PhilHealth) benefits, insurance coverage, discounts, or other sources
27 of similar nature;

28 (h) *Patient navigation* refers to directing and assisting an
29 individual to obtain health care services and overcome barriers for
30 timely, cost-effective and appropriate medical care; and

1 (i) *Philippine General Hospital (PGH)* refers to the
2 state-owned tertiary hospital administered and operated by
3 the University of the Philippines-Manila.

4 SEC. 4. *Malasakit Program.* - The DOH shall establish a
5 Malasakit Program that all DOH hospitals and the PGH shall adopt
6 and implement. It shall have the following objectives:

7 (1) Provide a policy framework for integrated people-centered
8 health services that shall: (a) ensure and promote an organizational
9 culture geared towards responsiveness; (b) ensure appropriate
10 infrastructure and processes; and (c) promote client engagement and
11 empowerment; and

12 (2) Ensure financial risk protection and alleviate the financial
13 burden of indigent and financially-incapacitated patients and
14 families who avail of health services in public hospitals through
15 financial and medical assistance provided by national
16 government agencies, local government, non-government
17 organizations, private corporations and individuals: *Provided, That*
18 *financially-incapacitated patients who seek health services in other*
19 *public hospitals and private facilities are still eligible to avail of*
20 *financial and medical assistance subject to the assessment and*
21 *recommendation of the medical social worker.*

22 The DOH shall provide policy direction and pertinent
23 guidelines, in consultation with DSWD, Philippine Charity
24 Sweepstakes Office (PCSO) and the PhilHealth to ensure and
25 promote responsive and effective social service engagement in
26 Malasakit Centers.

27 SEC. 5. *Malasakit Program Office.* - There shall be
28 established a Malasakit Program Office in the DOH by augmenting,
29 reclassifying and strengthening the existing Public Assistance Unit

1 (PAU) of the DOH. The Malasakit Program Office shall oversee the
2 operations of the Malasakit Centers.

3 The DOH, in coordination with the Department of Budget and
4 Management (DBM), shall ensure the creation of adequate and
5 appropriate plantilla positions and staffing pattern to the Malasakit
6 Program Office.

7 SEC. 6. *Malasakit Centers.* – There shall be established a
8 Malasakit Center in all DOH hospitals and the PGH which shall:

9 (a) Serve as a one-stop shop for medical and financial
10 assistance;

11 (b) Provide patient navigation and referral to the health care
12 provider networks;

13 (c) Provide information with regard to membership, coverage
14 and benefit packages in the National Health Insurance Program;

15 (d) Document, process, and utilize data from patient
16 experience through a standardized form to shape institutional
17 changes in the hospital;

18 (e) Provide capacity building and performance evaluation to
19 ensure good client interaction; and

20 (f) Provide critical information on healthy behaviors and
21 conduct health promotion activities in the hospital.

22 There shall be a special lane in each Malasakit Center for the
23 exclusive use of senior citizens and persons with disabilities (PWDs).

24 The Malasakit Centers shall be non-partisan, convenient, free
25 of charge, accessible, and shall have a standard system of availment
26 of assistance.

27 Local Government Units (LGUs), State Universities and
28 Colleges (SUCs), Department of National Defense (DND),
29 Department of the Interior and Local Government (DILG) including
30 the Philippine National Police (PNP), Department of Justice (DOJ)

1 and other public hospitals may establish Malasakit Centers:
2 *Provided*, That said hospitals meet the following standards and
3 criteria:

4 (a) Guarantee the availability of funds for the operations of
5 the Malasakit Centers, including its maintenance and other
6 operating expenses, personnel complement including staff training,
7 performance assessment and monitoring;

8 (b) Ensure the adoption of the integrated people-centered
9 health services; and

10 (c) Comply with other requirements to be prescribed by the
11 DOH regarding service capacity and capability, location, among
12 others.

13 Public hospitals with existing Malasakit Centers shall comply
14 with the abovementioned standards and criteria. The DOH may
15 augment Malasakit Centers personnel in other public hospitals
16 subject to standards and criteria to be set by the DOH.

17 *SEC. 7. Administration of the Malasakit Centers.* - The
18 incumbent Medical Director, Chief of Hospital or Medical Center
19 Chief shall be designated as the Malasakit Centers Director, who
20 shall oversee the proper management and efficient operation of the
21 Malasakit Center. The Malasakit Center Director shall:

22 (a) Ensure the provision of appropriate space, furniture,
23 equipment and fixtures based on the standard Malasakit Centers
24 schematic plan to be provided by DOH;

25 (b) Promote harmony, coordination and cooperation among
26 the participating agencies in the Malasakit Centers and strengthen
27 the delivery of services by upholding the highest performance of
28 duties and responsibilities; and

29 (c) Perform such other functions as may be necessary for the
30 accomplishment of the objectives of the Malasakit Program.

1 The Malasakit Center Director shall assign the Head of the
2 Medical Social Work Office as the Malasakit Center Operations
3 Manager, who shall take charge of the day to day management and
4 operations of the Malasakit Centers. The Malasakit Center Director,
5 and Malasakit Center Operations Manager, shall receive no extra
6 compensation.

7 SEC. 8. *Personnel Complement.* – The Malasakit Center shall
8 be adequately staffed by medical social workers and support staff.
9 The Medical Director, Chief of Hospital or Medical Center Chief shall
10 appoint and assign such other personnel as may be necessary for the
11 effective operation of the Malasakit Centers.

12 Each Malasakit Center shall consist of duly designated
13 representatives from DOH, DSWD, PCSO and PhilHealth. The
14 DOH, DSWD and PCSO representatives shall process and approve
15 the requests for medical and financial assistance. The PhilHealth
16 representative shall assist in the availment of benefits and address
17 other PhilHealth related concerns of patients.

18 The DOH, DSWD, PCSO, and PhilHealth are hereby
19 authorized to create the required plantilla and staffing pattern
20 necessary for the implementation of this Act in coordination with the
21 DBM, Civil Service Commission (CSC), and the Governance
22 Commission for Government Owned or Controlled Corporations
23 (GCG), as the case may be.

24 The DOH and DSWD shall include in their budgetary
25 submission to the DBM the required budget for the personnel
26 services requirements of each Malasakit Center. Such budgetary
27 requirement shall be included in the budgets of the respective
28 agencies in the General Appropriations Act.

1 SEC. 9. *Medical and Financial Assistance.* – The Malasakit
2 Centers shall facilitate access to the following medical and financial
3 assistance:

4 (a) The DOH medical assistance to indigent patients. Medical
5 assistance to indigent and financially incapacitated patients shall be
6 based on need as recommended by the medical social worker and the
7 attending physician;

8 (b) The DSWD financial assistance, based on existing
9 Assistance to Individuals in Crisis Situation (AICS) guidelines;

10 (c) The PCSO medical assistance under its existing programs,
11 chargeable against its funds;

12 (d) Medical and financial assistance programs provided by
13 other government agencies, local government units, non-government
14 organizations, and private institutions and individuals.

15 Nothing in this Act shall limit access to or availability of
16 medical and financial assistance only to indigent and financially
17 incapacitated patients referred through Malasakit Centers.

18 The medical social worker shall assess the patient's eligibility
19 and provide such patient with complete information of the type, form
20 or character and degree or extent of welfare assistance that the
21 patient may receive or benefit from various funding sources at the
22 Malasakit Centers.

23 In cases of patients who are admitted in LGU and other public
24 hospitals but who are otherwise eligible for medical and financial
25 assistance under this Act, they may be extended such medical and
26 financial assistance through the Malasakit Centers or through the
27 government agencies concerned.

1 In case of non-availability of clinically indicated drugs,
2 medicines, tests, services or procedures in DOH hospital, the DOH
3 hospital may enter into a contract with DOH-accredited private
4 health facility to provide the needed drug, test, service or procedure
5 to the patient, charged against the hospital, subject to the guidelines
6 set by DOH.

7 The DOH, DSWD, PhilHealth and PCSO shall issue uniform
8 guidelines for the proper implementation of medical and financial
9 assistance to indigent and financially incapacitated patients, which
10 shall include availment procedures, order of charging of payments,
11 recording and reporting, and monitoring and evaluation.

12 In the implementation of this provision, the efficient and most
13 streamlined delivery of assistance to all beneficiaries shall be the
14 primary consideration. All rules, regulations, processes, and
15 practices shall be formulated and implemented with the end in goal
16 of achieving this purpose.

17 Nothing in this Act shall prohibit a patient or his/her
18 representative from accessing and requesting medical and financial
19 assistance directly from the abovementioned agencies.

20 SEC. 10. *Monitoring and Evaluation.* - The DOH shall
21 conduct monitoring and evaluation to assess the responsiveness of
22 Malasakit Centers, including a client satisfaction survey, utilizing
23 indicators such as reduced waiting time, percentage of indigent and
24 financially incapacitated patients served and percentage of
25 complaints endorsed for action, among others.

26 SEC. 11. *Penal Provisions.* -

27 (a) A public official or employee who commits the following
28 acts shall, after due notice and hearing, suffer the corresponding
29 penalties as herein provided:

1 (1) Commits an unethical and fraudulent act or abuse of
2 authority, shall be suspended for three (3) months without pay for
3 the first offense and dismissal from service for the succeeding offense;

4 (2) Appropriates the funds of the Malasakit Program for
5 personal use, or shall willingly or negligently consents either
6 expressly or impliedly to the misappropriation of funds without
7 objecting to the same and properly reporting the matter to the proper
8 authorities, shall be liable for misappropriation of the funds of the
9 Malasakit Program, and shall be punished with a fine equivalent to
10 triple the amount misappropriated per count and suspension of three
11 (3) months without pay.

12 The abovementioned administrative penalties shall be without
13 prejudice to the filing of criminal charges under Republic Act No.
14 3019, otherwise known as the "Anti-Graft and Corrupt Practices Act"
15 and existing penal laws.

16 (b) Any person who commits fraud or misrepresentation as to
17 his/her indigency or financial incapacity shall render the assistance
18 void and shall make the person liable for twice the amount of
19 assistance provided and suffer the penalty of imprisonment from six
20 (6) months to not more than two (2) years.

21 (c) Any person who aids or abets the commission of the offense
22 in the preceding paragraph shall suffer the penalty of imprisonment
23 for one (1) day to not more than six (6) months.

24 SEC. 12. *Annual Report.* – The DOH, DSWD, PCSO and
25 PhilHealth shall jointly submit to the Office of the President of the
26 Philippines, Senate Committee on Health and Demography, and the
27 House of Representatives Committee on Health on or before the end
28 of December of every year, or upon the request of any of the aforesaid
29 offices, a report giving a detailed account of the status of the
30 implementation of this Act.

1 SEC. 13. *Appropriations.* – The amount necessary for the
2 establishment and operation of Malasakit Centers shall be included
3 in the General Appropriations Act.

4 The amounts earmarked under Section 288-A of the National
5 Internal Revenue Code, as amended, for medical assistance shall be
6 appropriated under the DOH, specifically for medical assistance to
7 indigent patients, portion of which shall be allotted for DOH hospitals
8 and the PGH: *Provided,* That other public hospitals without
9 Malasakit Centers shall continue to receive medical assistance from
10 the DOH.

11 SEC. 14. *Implementing Rules and Regulations.* – Within
12 ninety (90) days from the approval of this Act, the DOH, PhilHealth,
13 DSWD and PCSO shall jointly issue the implementing rules and
14 regulations of this Act.

15 SEC. 15. *Separability Clause.* – Any portion or provision of
16 this Act that is declared unconstitutional shall not have the effect of
17 nullifying other portions or provisions hereof as long as such
18 remaining portions can still subsist and be given effect in their
19 entirety.

20 SEC. 16. *Repealing Clause.* – All laws, ordinances, rules,
21 regulations, other issuances or parts thereof, which are inconsistent
22 with this Act, are hereby repealed or modified accordingly.

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

Approved,