

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



23 JUL 20 P2:46

SENATE
S. No. 2339

RECEIVED BY: 

Introduced by: Senator Raffy T. Tulfo

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

EXPLANATORY NOTE

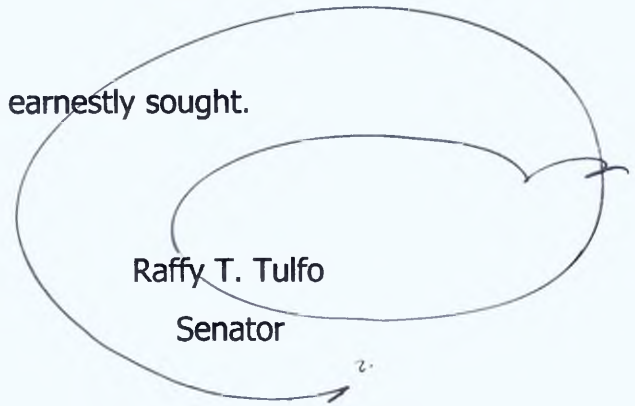
As the country's reckoned modern-day heroes, Overseas Filipino Workers (OFWs) have immensely contributed in keeping the economy afloat since 1980 with their significant contribution through personal remittances which hit an all-time high of \$34.9B in 2021 and accounted for 8.9 percent of our GDP.

Aside from leaving their families in the Philippines to have a better future, OFWs face various struggles and hardships abroad - managing finances, adjusting to a new work environment, dealing with cases of racism or discrimination, marginalization, and at times physical and emotional abuse that put them at risk for physical and mental health problems.

In recognition of their contributions and sacrifices, it is only fitting to establish a hospital that will specifically cater to needs and provide health care. This bill therefore aims to establish a specialty government hospital substantially devoted to

provide medical care and health services to Overseas Filipino Workers and their dependents, furthermore acknowledge their significant contribution to the country's economy as well.

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




Raffy T. Tulfo
Senator

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

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

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

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

11 a. Dependents shall refer to any of the following: (1) the legal spouse entitled by
12 law to receive support from the overseas Filipino worker; (2) the legitimate,
13 legitimated, legally adopted, or illegitimate child who is unmarried, not gainfully

1 employed, and has not reached twenty-one (21) years of age, or if over twenty
2 (21) years of age, is congenitally incapacitated or while still a minor has been
3 permanently incapacitated and incapable of self-support, physically or
4 mentally; or (3) the parents who are receiving regular support from the
5 overseas Filipino worker;

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

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

20 *Sec. 4. Establishment of the OFW Hospital.* – The Overseas Filipino Workers
21 Hospital and Diagnostic Center located in San Fernando, Pampanga shall be known as
22 the "OFW Hospital". The OFW Hospital shall have at least tertiary level of care and
23 shall primarily cater to and be developed consistent with the medical needs of overseas
24 Filipino workers and their dependents; Provided, That nothing herein shall prevent the
25 OFW Hospital from accommodating patients other than the overseas Filipino workers
26 and their dependents.

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

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

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

- 5 a. To establish, operate and maintain medical facilities, including a medical and
6 diagnostic center, for the welfare of OFWs and their qualified dependents, and
7 as may be warranted, for the welfare of the general public;
- 8 b. Provide comprehensive and total health care services to all migrants workers
9 including Overseas Workers Welfare Administration (OWWA) contributors,
10 whether active or non-active, and their legal dependents;
- 11 c. To promote, encourage, engage in and publish scientific research on the
12 prevention, care and treatment of occupational diseases common to OFWs,
13 including the underwriting of researches on biological, demographic, social,
14 economic, eugenic, physiological aspects of occupational disorders of OFWs,
15 and conduct relevant congresses, conventions, seminars and conferences;
- 16 a) to develop and encourage public interest in, as well as the
17 dissemination
- 18 b) and exchange of information on:
- 19 i. the prevention, treatment and control of diseases
20 common to OFWs, and
- 21 ii. OFW occupational health and physical fitness,
22 especially the promotion of health and
23 rehabilitation, and other related fields;
- 24 c) Conduct medical examinations to ensure the physical and mental
25 capability of would-be overseas contract workers duly covered by
26 an approved job order;
- 27 d) To assist and support universities, research institutions and other
28 hospitals or medical facilities in their studies on health-related
29 concerns of OFWs.
- 30 e) Serve as primary referral hospital for repatriated OFWs needing
31 medical assistance and support;

- 1 f) Setup system that will effectively monitor condition of patient and
2 to generate relevant health information and data for policy
3 formulation; and
4 g) Participate in health care provider networks and arrangements
5 relative to the implementation of Republic Act No. 11223, or the
6 "Universal Health Care Act."

7 *Sec. 6. Establishment of OFW Care Centers.* – OFW care centers are hereby
8 established in DOH-retained hospitals. The level of OFW services and corresponding
9 facilities in OFW care centers and their respective health human resources
10 requirements shall be determined by the DOH, in coordination with stakeholders:
11 Provided, That the standards to be adopted thereon shall be consistent with the
12 Philippine Health Facility Development Plan and Section 5 of this Act.

13 *Sec. 7. Organizational Structure and Staffing Pattern.* – The DOH, in
14 coordination with the Department of Budget and Management (DBM), shall determine
15 the organizational structure, staffing pattern, and list of plantilla positions of the OFW
16 Hospital as it may deem necessary for the effective performance of the Hospital
17 objectives, as well as the salaries of the personnel in accordance with the salary
18 standardization law of the civil service rules and regulations.

19 *Sec. 8. Fees and Charges.* – There shall be no pay ward in the OFW Hospital.
20 As such, no other fees or expenses shall be charged or be paid for by the OFWs and
21 qualified dependents. Doctors practicing in the OFW Hospital shall not be allowed to
22 bill or charge for separate professional fees other than what they receive from the
23 government and such applicable reimbursements from the Philippine Health Insurance
24 Corporation (PhilHealth).

25 *Sec. 9. Medical Assistance.* – The Secretary of the DMW shall ensure that
26 existing health benefits and medical assistance programs are strengthened to include
27 subsidies on the hospitalization and medical procedures for OFWs and qualified
28 dependents.

1 Sec. 10. *Referral System.* – The DMW shall establish a referral system with the
2 OFW Hospital and OFW Care Centers to ensure proper delivery of services to qualified
3 overseas Filipino workers and their dependents.

4 Sec. 11. *Creation of the OFW Hospital Board of Trustees and the Director of*
5 *the OFW Hospital.* – There is hereby created an OFW Hospital Trust, for the benefit
6 of Filipino OFWs, to be administered by a Board of Trustees, composed of seven (7)
7 members to be appointed by the President of the Philippines. The Director of the OFW
8 Hospital shall be appointed by the Board of Trustees.

9 The Director of the OFW Hospital shall concurrently serve as the Secretary-
10 General of the OFW Hospital Board of Trustees. The Director shall also act as the Chief
11 Executive Officer of the OFW Hospital, with authority among others, to appoint,
12 remove, and fix the compensation of the personnel thereof, subject to the approval
13 of the Board of Trustees. Four (4) members of the Board of Trustees shall constitute
14 a quorum to transact business and any decision of such four members on any matter
15 shall constitute a valid and binding act of the OFW Hospital.

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

- 17 1) Chairperson: Secretary, Department of Migrant Workers (DMW);
18 2) Co-Chairperson: Secretary, Department of Health (DOH); 3) Members:
- 19 • Secretary, Department of Labor & Employment (DOLE);
 - 20 • Administrator, Overseas Workers Welfare Administration (OWWA);
 - 21 • *Department of Social Welfare and Development (DSWD)*

22 The representatives of land-based and sea-based OFWs shall be appointed by
23 the President from a list of nominees of their OFW organizations as endorsed by the
24 Chairperson to the President. Such nominees shall be at least be forty (40) years of
25 age, and an OFW with at least five (5) years of work experience abroad at the time of
26 his or her nomination.

27 The members of the Board may elect an alternate, and submit the name to the
28 President for appointment. In case of vacancy, the head of the agency may nominate,
29 subject to official appointment by the President of the Philippines.

1 Sec. 12. *Tax Exemption.* – All grants, bequests, endowments, donations, and
2 contributions made to the OFW Hospital to be used actually, directly, and exclusively
3 by the OFW Hospital shall be exempt from donor’s tax and the same shall be
4 considered as allowable deduction from the gross income of the donor, in accordance
5 with the provisions of the National Internal Revenue Code of 1997, as amended.

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

9 Sec. 13. *Coordination with and Assistance from Other Government Agencies.*
10 – The DOH shall collaborate with the DMW in the development of the programs and
11 services of the OFW Hospital. It may likewise call upon any department, bureau, office,
12 agency, or instrumentality of the government for assistance, in the pursuit of the
13 purposes and objectives of this Act.

14 Sec. 14. *Appropriations.* – The Secretary of Health shall include in the
15 Department’s program the implementation of this Act, the funding of which shall be
16 included in the annual General Appropriations Act. The OWWA shall also include in its
17 benefits and medical assistance programs for OFWs the line item budget necessary to
18 improve the access of OFWs and dependents to health care services.

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

23 Sec. 16. *Separability Clause.* – If, for any reason, any provision of this Act is
24 declared to be unconstitutional or Invalid, the other sections or provisions hereof
25 which are not affected thereby shall continue to be in full force or effect.

26 Sec. 17. *Repealing Clause.* – All laws; decrees, orders, rules and regulations or
27 parts thereof which are inconsistent with or contrary to the provisions of this Act are
28 hereby repealed, amended, or modified accordingly.

1 Sec. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its
2 complete publication in the Official Gazette or in a national newspaper of general
3 circulation.

Approved,