



Republic of the Philippines
Department of Health
OFFICE OF THE SECRETARY

OCT 04 2011

Administrative Order
No. 2011-0015

SUBJECT: Guidelines on the prohibition of referral/decking practice of OFW Clinics and respecting the right of Overseas Filipino Workers (OFWs) to choose their own OFW Clinics for medical examinations pursuant to Republic Act No. 10022

I. RATIONALE

Last March 8, 2010, Republic Act No. 10022 otherwise known as " An act amending Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, as amended further improving the standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress and for other purposes", lapsed into law without the signature of the President, in accordance with Article VI Section 27 of the Constitution.

Pursuant to the said law, an Omnibus Rules and Regulations Implementing the Migrant Workers and Overseas Filipinos Act of 1995, as Amended by Republic Act No. 10022 were officially signed last July 8, 2010 and took effect on August 13, 2010.

Section 16 of Republic Act No. 10022 provides that under Section 23 of the Republic Act No. 8042, as amended, added new paragraphs (c) and (d) with their corresponding subparagraphs to read as follows:

(c) Department of Health – The Department of Health (DOH) shall regulate the activities and operations of all clinics which conduct medical, physical, optical, dental, psychological and other similar examinations, hereafter referred to as health examinations, on Filipino migrant workers as requirement for their overseas employment. Pursuant to this, the DOH shall ensure:

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"(c.3) No group or groups of medical clinics shall have a monopoly of exclusively conducting health examinations on migrant workers for certain receiving countries;

(c.4) Every Filipino migrant worker shall have the freedom to choose any of the DOH-accredited clinics that will conduct his/her health examinations and that his or her rights as patient are respected. The decking practice, which requires an overseas



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Filipino worker to go first to an office for registration and then farmed out to a medical clinic located elsewhere, shall not be allowed."

In view of the clear directive of the law and its implementing rules and regulations, all forms of decking/referral system or any system being implemented by any OFW Clinic which restricts the freedom to choose of the migrant worker on his/her preferred medical clinic are declared illegal and contrary to law.

II. OBJECTIVE

The objective of this Order is to serve as implementing rules and regulation to establish the right of overseas Filipino workers to exercise their freedom to choose their own OFW Clinic for pre-employment medical examination and prohibit the OFW Clinics from implementing any referral/decking system pursuant to the intent and spirit of the provisions of Republic Act No. 10022.

III. SCOPE

This Order applies to all OFW Clinics conducting pre-employment medical examinations for overseas workers.

IV. SPECIFIC GUIDELINES

- A. All overseas Filipino workers shall have the freedom to choose their own DOH-accredited medical clinic wherein they can undergo pre-employment medical examinations.
- B. Only DOH-accredited clinics are allowed to conduct pre-employment medical examinations for overseas Filipino workers (OFWs).
- C. No referral and/or decking practice shall be implemented by any DOH-accredited medical clinic. The decking practice, which requires an overseas Filipino worker to go first to an office for registration and then farmed out to a medical clinic located elsewhere, shall not be allowed.
- D. Monopoly of certain group of clinics to conduct health examinations for certain receiving countries, territories or principals are not allowed.

V. PENALTY

Any DOH-accredited medical clinic after due process found violating the specific guidelines as herein provided under Section IV shall suffer the penalty of revocation of its DOH accreditation.



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VI. REPEALING CLAUSE

Provisions from previous issuances that are inconsistent or contrary to the provisions of this Order are hereby rescinded or modified accordingly.

VII. SEPARABILITY CLAUSE

In the event that any provision or part of this Order is declared unauthorized or rendered invalid by any court of law or competent authority, those provisions not affected by such declaration shall remain valid and effective.

VIII. EFFECTIVITY

This Order shall take effect fifteen (15) days after its approval and publication in a newspaper of general circulation.

A handwritten signature in black ink, appearing to read "E. T. Ona".

ENRIQUE T. ONA, MD, MSc.
Secretary of Health