



Republic of the Philippines
Department of Health
OFFICE OF THE SECRETARY

May 3, 2011

MEMORANDUM CIRCULAR

NO. 2011 - 0030

FOR: All Regulatory/Licensing Officers, OFW Clinics and Others Concerned

SUBJECT: Implementation of RA 10022 with respect to the referral/decking system being implemented by OFW Clinics

Last August 23, 2010, the Department of Health thru then Undersecretary Alexander A. Padilla, sent a letter to Dr. Rodolfo Punzalan, President/Chairman, Gulf Cooperation Countries Approved Medical Centers Association (GAMCA) Philippines located at 1124 J. Bocobo Street, Ermita, Manila, reminding the GAMCA and its members of the provision of RA 10022, to wit,:

Section 16 of Republic Act No. 10022 otherwise known as the Migrant Workers' Act as amended, provides that under Section 23 of the Republic Act No. 8042, new paragraphs (c) and (d) were added, to read:

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

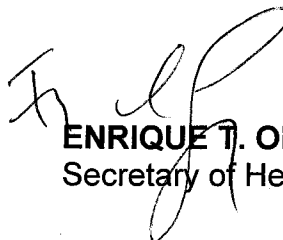


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The GAMCA was then given three (3) days to wrap up their operations and abide with the directive of the law, under threat of legal sanctions. The GAMCA, instead of complying with Department of Health's directive, filed a court case in Pasay City Regional Trial Court Branch 110 under SP. Civil Action Case No. R-PSY-10-04301-CV to enjoin the Department of Health to defer/suspend the said directive it issued pursuant to the provisions of R.A. 10022

Considering that there was a Resolution of the Honorable Court dated April 1, 2011 denying the prayer for Writ of Preliminary Injunction by the GAMCA and no Temporary Restraining Order was issued to defer the implementation of the subject provisions of RA 10022, the Department of Health is constrained to fully implement law that "no group or groups of medical clinics shall have a monopoly of exclusively conducting health examinations on migrant workers for certain receiving countries. Likewise, 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 Filipino worker to go first to an office for registration and then farmed out to a medical clinic located elsewhere, shall not be allowed."

For guidance and immediate compliance of all concerned.


ENRIQUE T. ONA, MD
Secretary of Health