

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6779



Introduced by MARINO Party-list Representatives

SANDRO L. GONZALEZ
and **MACNELL M. LUSOTAN**

AN ACT
PROVIDING FOR MANDATORY IMMUNIZATION SERVICES FOR
OVERSEAS FILIPINO WORKERS, PENALIZING CERTAIN PROHIBITED
ACTS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

Our Overseas Filipino Workers (OFWs), both land-based and sea-based, have steadily provided much needed dollar remittances to the country. Based on the most recent available data, our 2,044,877 deployed OFWs in 2017 contributed USD 28,060 million dollars or roughly 1.4 trillion pesos to the Philippine economy in the same year. These dollar remittances in turn are being used to finance the monetary obligations of the country and to fund projects and programs of the government.

It can also be observed that families with members serving as OFWs are generally in a better economic and social position than those of their counterparts without OFW members. They are more able to send their children to school and obtain good education as well as provide for much needed nutrition. These children as a result are less likely to commit crimes and become burden to the government and to the society in the future. Thus, the importance of our OFWs to the country is undeniable.

Despite having the moniker “modern-day heroes”, our OFWs, unlike superheroes, are not immune to all kinds of harm, let alone diseases which are communicable. Our present conduct of Pre-employment Orientation and Pre-departure Orientation Seminars for our OFWs, though increases their knowledge and capacity for prevention of acquiring these diseases, do not categorically protect our OFWs from contracting these diseases.

There are also some communicable diseases which do not immediately manifest symptoms in an infected person. In the case of the Philippines where OFWs usually come from provinces and belong to families with numerous members, the risk of transmission is greater, owing to the movement of returning OFWs from Manila, which is usually the point of hire for most OFWs, to the various parts of the country, as well as the social tendencies of

Filipinos. When the transmission is not contained immediately and becomes widespread, these diseases pose a threat to the health and safety of the society.

In view of the foregoing, approval of this bill is most urgently and earnestly recommended.



SANDRO L. GONZALEZ
Representative
MARINO Party-list



MACNELL M. LUSOTAN
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Title – This Act shall be known as the “*Mandatory OFW Health Immunization Act*”.

Section 2. Declaration of Policy – In accordance with Article II, Section 15 of the Constitution, it is hereby declared a policy of the State to take a proactive role in the preventive health care of migrant workers. Towards this end, the State shall adopt a comprehensive, mandatory and sustainable immunization program for vaccine-preventable diseases for all migrant workers.

Section 3. Definition of Terms – For purposes of this Act, the following terms shall mean:

- a. “Manning Agency” refers to any person, partnership or corporation duly licensed by the Secretary or his/her duly authorized representative to engage in the recruitment and placement of Filipino seafarers for a ship plying international waters and for related maritime activities.
- b. “Overseas Filipino Worker” refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a citizen or on board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes or on an installation located offshore or on the high seas; to be used interchangeably with migrant worker.
- c. “Recruitment Agency” refers to any person, partnership or corporation duly licensed by the Secretary of Labor and Employment to engage in the recruitment and placement of workers for overseas employment for a fee which is charged, directly or indirectly from the workers or employers or both.

Section 4. Coverage – The mandatory immunization for Overseas Filipino Workers (OFWs) with secured contracts provided under this Act shall cover the following vaccine-preventable diseases:

- a) Cholera;
- b) Diphtheria;
- c) Hepatitis B;
- d) Tetanus;
- e) Yellow Fever;
- f) Tuberculosis;
- g) Dengue Fever;
- h) Ebola
- i) Chicken Pox
- j) Measles;
- k) Mumps;
- l) Rubella or German measles;
- m) H. Influenza type B (HIB); and
- n) Such other types as may be determined by the Secretary of Health in a department circular.

Section 5. Period for Immunization – Recruitment and manning agencies shall ensure that all OFWs prior to deployment have been appropriately vaccinated for highly-contractable diseases in the area/s where the OFW will be deployed.

Section 6. Obligation to Inform – Any physician, nurse, nursing aide or person authorized by the DOH to administer vaccines, who actually administers a vaccine to the OFW shall, prior to administration, inform the OFW of the nature, benefits and possible effects of immunization.

Section 7. Immunization Record Book – There shall be issued an Immunization Record Book (IRB) to each active OFW which shall contain all records of his immunization pursuant to this Act.

The IRB shall bear the OFWs name, birthday, address and other pertinent personal information and shall be treated as a government-issued ID

All authorized persons administering the vaccine to the OFW must write the date of the administration of the vaccine, affix his/her signature and attach the cut-out or sticker of the vaccine details to the IRB.

Section 8. Costs of Immunization – The costs of the immunization, including the payment of professional fee, shall be equally shared by the government, the principal or the recruitment/manning agency, and the union in which the OFW is a member, if any.

The costs of the immunization shall be advanced by the concerned recruitment/manning agency, subject to reimbursements from the government, and the union, if applicable.

Section 9. *Presentation of IRB as Prerequisite to Deployment* – The presentation of a valid IRB with appropriate records of immunization shall be a condition precedent to the deployment of the OFW.

Section 10. *Information Dissemination* – The Department of Health, in partnership with the Department of Foreign Affairs, the Philippine Overseas Employment Agency, the Overseas Workers Welfare Administration, the Maritime Industry Authority, airport authorities and port authorities, shall educate all active OFWs of the importance and possible effects of immunization.

Section 11. *Continuing Education and Training of Health Personnel* - The DOH, with the assistance of other government agencies, local government units, academe, professional societies and nongovernmental organizations, shall undertake continuing information, education and training programs for all health personnel on the rationale and benefits of as well as modern procedures for immunization of OFWs against vaccine-preventable diseases.

Section 12. *Prohibited Acts* – It shall be unlawful for any person or entity to commit the following prohibited acts:

- a. Soliciting information as to the history of immunization of a person applying for a job abroad;
- b. Asking or conniving with medical practitioners to obtain immunization record of a person;
- c. Discriminating an applicant on the basis of his record of immunization;
- d. Making the presentation of the a person's immunization record as pre-condition for employment;
- e. Causing or allowing the deployment of an OFW who does not have appropriate vaccination; and
- f. Failure of medical practitioner to inform the OFW-patient about the nature, benefits and possible effects of the drug that will be administered to the OFW.

Section 13. *Penalties* – Any person found guilty of any of the prohibited acts shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years and a fine of not less than Five Hundred Thousand Pesos (P500,000.00) nor more than One million pesos (P1,000,000.00).

The persons criminally liable for the above offenses are the principals, accomplices and accessories. In case of juridical persons, the officers having ownership, control, management or direction of their business who are responsible for the commission of the offense as well as the responsible employees/agents thereof shall be liable.

If the offender is an alien, he or she shall, in addition to the penalties herein prescribed, be deported without further proceedings.

In every case, conviction shall cause and carry the automatic revocation of the license or registration of the recruitment/manning agency, medical clinic or concerned medical practitioner.

Section 14. *Filing of Case Not a Bar* – The filing of a case punishable under this Act shall be without prejudice to the filing of cases punishable under other existing laws, rules or regulations.

Section 15. *Appropriations* – The amount necessary to carry out the implementation of this Act shall be charged against the current year's appropriations for immunization of the DOH. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

The Philippine Health Insurance Corporation (PHIC) shall include the health immunization services for OFWs in its benefit package.

Section 16. *Implementing Rules and Regulations* – The DOH, in consultation with the National Immunization Committee, shall issue the necessary implementing rules and regulations in accordance with the provisions of this Act within sixty (90) days from the effectivity hereof.

Section 17. *Separability Clause* – If, for any reason, any section, subsection, clause or term of this Act is held to be illegal, invalid, or unconstitutional, the remaining provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 18. *Repealing Clause* – All laws, orders, decrees, letters of instruction, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby amended, modified, or repealed accordingly.

Section 19. *Effectivity Clause* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,