

Analysis matrix: Alignment of Philippine health laws and policies with international standards



Law	Annotation	Commentary
Labor Code of the Philippines, 1974 (as amended)	Article 49. Administration of training programs. The Council shall provide, through the Secretariat, instructor training, entrepreneurship development, training in vocations, trades and other fields of employment, and assist any employer or organization in training schemes designed to attain its objectives under rules and regulations which the Council shall establish for this purpose. The Council shall exercise, through the Secretariat, authority and jurisdiction over, and administer, on-going technical assistance programs and/or grants-in-aid for manpower and youth development including those which may be entered into between the Government of the Philippines and international and foreign organizations and nations, as well as persons and organizations in the Philippines. In order to integrate the national manpower development efforts, all manpower training schemes as provided for in this Code shall be coordinated with the Council, particularly those having to do with the setting of skills standards. For this purpose, existing manpower training programs in the government and in the private sector shall be reported to the Council which may regulate such programs to make them conform with national development programs. Article 18. Ban on Direct Hiring. No employer may hire a Filipino worker for overseas employment except through the Boards and entities authorized by the Secretary of Labor. Direct hiring by members of the diplomatic service, officials and employees of international organizations and such other employers as may be allowed by the Secretary of Labor is exempted from this provision.	Philippine Labor Code is not applicable to foreign countries of work.

Law	Annotation	Commentary
1987 Philippine Constitution	Article II, Section 2. The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations Article VII, Section 21. No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate Article VIII, Section 5 (2). Review, revise, reverse, modify, or affirm on appeal or certiorari, as the law or the Rules of Court may provide, final judgments and orders of lower courts in: (a) All cases in which the constitutionality or validity of any treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question. Article XIII, Section 18 (7). Monitor the Philippine Government's compliance with international treaty obligations on human rights; Article XIV, Section 19 (1). The State shall promote physical education and encourage sports programs, league competitions, and amateur sports, including training for international competitions, to foster self-discipline, teamwork, and excellence for the development of a healthy and alert citizenry.	Relevant to migrant health is: Article II, Section 2. The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations.

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(2) All educational institutions shall undertake regular sports activities throughout the country in cooperation with athletic clubs and other sectors Article XVIII, Section 4. All existing treaties or international agreements which have not been ratified shall not be renewed or extended without the concurrence of at least two-thirds of all the Members of the Senate.		
RA No. 10022 - Migrant Workers Act of 2009 (Amending RA No. 8042 or the Migrant Workers and Overseas Filipinos Act of 1995) Omnibus Rules and Regulations of RA No. 8042 as amended by RA No. 10022	Section 1. Paragraphs (a), (e), (g) and (h) of Section 2 of Republic Act. No. 8042, as amended, otherwise known as the “Migrant Workers and Overseas Filipinos Act of 1995,” is hereby amended to read as follows: “(a) In the pursuit of an independent foreign policy and while considering national sovereignty, territorial integrity, national interest and the right to self-determination paramount in its relations with other states, the State shall, at all times, uphold the dignity of its citizens whether in country or overseas, in general, and Filipino migrant workers, in particular, continuously monitor international conventions, adopt/be signatory to and ratify those that guarantee protection to our migrant workers, and endeavor to enter into bilateral agreements with countries hosting overseas Filipino workers.”	This law amends and strengthens the State’s mandates and obligations (stipulated in the original 1995 law) in protecting the rights and welfare of OFWS and their families, particularly: • Adherence to international conventions, national sovereignty, independent foreign policy, territorial integrity, national interest and right to self-determination as State Policies • POEA to give out travel advisories regarding migration and adherence to international standards on human and worker’s rights • DFA to make an assessment of rights and avenues of redress under international and regional human rights mechanisms • Compliance of the State to international laws in the deployment of overseas Filipino workers • Functions of the National Reintegration Center for OFWs (NRCO) • Deployment of Filipino migrant workers to countries that adhere to international laws

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		• Adherence by DOH -accredited medical clinics to international laws and standards • Rule on the deployment of migrant workers which require that OFWs are deployed only in countries where their rights are protected • Deployment of OFWs to ocean-going ships must comply with international laws and standards to protect the rights of seafarers and sea-based OFWs • Mandate for the POEA and DFA to prepare labor situationers • Role of the DOH in the regulation of medical clinics.
RA No. 11223 - Universal Health Care Act of 2018	1. PhilHealth Circular No. 007 s. 2012: New Premium Contributions of Overseas Filipino Workers Program. 2. PhilHealth Circular No. 0025 s. 2013: Implementation of the OWP Premium and Payment Schemes. 3. PhilHealth Circular 2020-014. Premium Contribution and Collection of Payment of Overseas Filipino Members Former President Duterte signed the Universal Health Care (UHC) bill into law (Republic Act No. 11223) that automatically enrolls all Filipino citizens in the National Health Insurance Program and prescribes complementary reforms in the health system. “This gives citizens access to the full continuum of health services they need, while protecting them from enduring financial hardship as a result.” (WHO, Philippines)	“It is a time for celebration in the Philippines. President Rodrigo Duterte has just signed a Universal Health Care (UHC) Bill into law (Republic Act No. 11223) that automatically enrolls all Filipino citizens in the National Health Insurance Program and prescribes complementary reforms in the health system. “This gives citizens access to the full continuum of health services they need, while protecting them from enduring financial hardship as a result” (WHO, Philippines). Limitation: In Singapore, work permit holders undergo medical examination by a Singapore-registered doctor prior to starting work with employer. If they are certified as medically-unfit, their work permits will be revoked. Domestic workers undergo medical check-up every 6 months (6ME) to screen for pregnancy & infectious diseases such as syphilis, HIV and TB. (Clarín, personal communication June 15, 2023). OFs with medical condition, who are past the employable age of 40, experiencing urgent family matters return home.

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RA No. 10606 - National Health Insurance Act of 2013 (amending RA No. 7875 of 1995)	Mandate to establish a Philhealth office in every Philippine Consular Office which shall process, review, and pay claims of Filipinos. Section 16 of the Act ("Powers and Functions") mandates that: "The Corporation shall have the following powers and functions: "(u) To establish an office, or where it is not feasible, designate a focal person in every Philippine Consular Office in all countries where there are Filipino citizens. The office or the focal person shall, among others, process, review and pay the claims of the overseas Filipino workers (OFWs)	The health insurance that is paid by the foreign employer to their respective government or private insurance companies is not transferable to the Philippines upon return of the OF. The Philippine Overseas Employment Administration (POEA) --now the DMW-- issued Memorandum Circular No. 10 s. 2022 in March 2022 on the Implementing Guidelines on the Expanded Compulsory Insurance Coverage for Rehires and Direct Hires. The enhanced insurance coverage, which will now include returning OFWs, was promulgated during the COVID-19 pandemic in consonance with the goals of the Inter-Agency Task Force on Emerging Infectious Diseases to ensure the safety of the OFWs. No additional cost to the OFW - "The insurance coverage for each OFW shall be secured by the recruitment agency. Non-compliant foreign employers may be disciplined motu proprio or upon the initiative of the OFWs concerned." Limitation: The health insurance that is paid by the foreign employer to their respective government or private insurance companies is not transferable to the Philippines upon return of the OF.

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RA No. 11036 - Mental Health Act of 2018	Section 2. Declaration of Policy. The State affirms the basic right of all Filipinos to mental health as well as the fundamental rights of people who require mental health services. The State commits itself to promoting the well-being of people by ensuring that: mental health is valued, promoted and protected; mental health conditions are treated and prevented; timely, affordable, high quality, and culturally-appropriate mental health care is made available to the public; mental health service are free from coercion and accountable to the service users; and persons affected by mental health conditions are able to exercise the full range of human rights, and participate fully in society and at work free from stigmatization and discrimination. The State shall comply strictly with its obligations under the United Nations Declaration of Human Rights, the Convention on the rights of Persons with Disabilities, and all other relevant international and regional human rights conventions and declarations. The applicability of Republic act No. 7277, as amended, otherwise known as the “Magna Carta for Disabled Persons”, to person with mental health conditions, as defined herein, is expressly recognized. Section 31. Duties and Responsibilities of the Commission on Human Rights (CHR). - The CHR shall: d. Establish mechanisms to investigate, address, and set upon complaints to impropriety and abuse in the treatment and care received by service users, particularly when such treatment or care is administered or implemented voluntarily; e. Inspect mental health facilities to ensure that service users therein are not being subjected	Teleconsulting / Telemed. This mechanism is crucial especially among those who may have developed mental illnesses as such conditions tend to be stigmatized.

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RA No. 11036 - Mental Health Act of 2018	to cruel, inhumane, or degrading conditions or treatment; f. Investigate all cases involving involuntary treatment, confinement, or care or service users, for the purpose of ensuring strict compliance with domestic and international standards respecting the legality, quality, and appropriateness of such treatment, confinement, or care; and g. Appoint a focal commissioner for mental health tasked with protecting and promoting the rights of service users and other persons utilizing mental health services or confined in mental health facilities, as well as the rights of mental health professionals and workers. The focal commissioner shall, upon a finding that a mental health facility, mental health professional, or mental health worker has violated any of the rights provided for in this Act, take all necessary actions to rectify or remedy such violation, including recommending that an administrative, civil, or criminal case be filed by the appropriate government agency. Section 33. Complaint and Investigation. - The DOJ, CHR and Department of Justice shall receive all complaints of improprieties and abuses in mental health care and shall initiate appropriate investigation and action Further, the CHR shall inspect all places where psychiatric service users are held for involuntary treatment or otherwise, to ensure full compliance with	

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	domestic and international standards governing the legal basis for treatment or otherwise, to ensure full compliance with domestic and international standards governing the legal basis for treatment and detention quality of medical care and living standards In the spirit of total care for the individual with mental illness -- while there is no one-to-one correspondence between this Act and the universal instrument “Principles for the protection of persons with mental illness and the improvement of mental health care,” which was adopted by the UN General Assembly Resolution 46/119 on December 17, 1991 -- both documents are aligned.	
RA No. 11641 - Department of Migrant Workers Act of 2021	Section 6. Powers and Functions - To carry out its mandate, the Department shall: (e) Support and assist the DFA and relevant government agencies in building strong and harmonious partnerships with counterpart and relevant agencies in foreign countries in order to facilitate the implementation of strategies and programs for the protection and promotion of the right and well-being of OFWs and their families and to continuously monitor economic, political, and labor developments therein; (f) Support and assist the DFA in the negotiation of bilateral and multilateral agreements, initiatives and programs, including intergovernmental processes, which primarily concern labor migration; (g) Represent, in coordination with and under the guidance of the DFA, interests pertaining to OFWs, in bilateral, regional, and multilateral fora and international bodies.	The Department of Migrant Workers (DMW) will take over the Assistance-to-Nationals (ATN) functions from Department of Foreign Affairs starting July 1, 2023 Following the agreements with the Department of Migrant Workers, BARMM supports the needs of its Overseas Bangsamoro Workers (OBWs) The case of Kota Kinabalu is very challenging for MOLE-BARMM. It has assisted those who have been repatriated together with MSSD. Their assistance is hinged on the commitment those repatriated will no longer go back to Kota Kinabalu for employment. Whether the OFs will return to Sabah is yet unknown. MOLE- BARMM is allowing those repatriated time to rest and later decide on the matter.

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RA No. 10801 - Overseas Workers Welfare Administration (OWWA) Act of 2016	Section 6. Functions. – The OWWA shall exercise the following functions: (h) To ensure the implementation of all laws and ratified international conventions within its jurisdiction. Section 26. Duties and Responsibilities of the OWWA Secretariat. – The OWWA Secretariat shall perform and assume the following duties and responsibilities: (i) To establish and maintain linkages and networks with social and institutional partners, both local and international; Section 35. Benefits and Services to OFWs. – (3) Education and Training Benefits. – A member, or the member's designated beneficiary, may avail any of the following scholarship programs, subject to a selection process and accreditation of participating institutions: 1. Skills-for-Employment Scholarship Program. – For technical or vocational training scholarship; 2. Education for Development Scholarship Program. – For baccalaureate programs; and 3. Seafarers' Upgrading Program. – To ensure the competitive advantage of Filipino seafarers in meeting competency standards, as required by the International Maritime Organization (IMO), International Labor Organization (ILO) conventions, treaties and agreements, sea-based members shall be entitled to one upgrading program for every three (3) membership contributions.	Teleconsulting / Telemed. Adjacent to the conference room in the Office of the Regional Director, OWWA, Region III is a teleconsulting operation catering to our OFs from the region. This is very important for the following reasons: • Filipinos do not talk about their physical problems for fear of losing their jobs. • They are used to self-treatment. • Filipinos help each other; self-medication comes from friends who they consider have better knowledge of and experience in the possible ailments they have. • Filipinos prefer to speak with Filipino doctors who they believe sympathize and empathize with them. Limitation: Teleconsulting results are not honored by doctors in countries where OFs are employed such as KSA.

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C155 - Occupational Safety and Health Convention, 1981	Article 4 - Each member shall, in the light of national conditions and practice, and in consultation with the most representative organisations of employers and workers, formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment. - The aim of the policy shall be to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, so far as is reasonably practicable, the causes of hazards inherent in the working environment. Article 8 Each Member shall, by laws or regulations or any other method consistent with national conditions and practice and in consultation with the representative organisations of employers and workers concerned, take such steps as may be necessary to give effect to Article 4 of this convention	There are several health-related ILO Conventions not ratified by the Philippine government as of September 2023. It is the aim of these conventions to clarify the roles of employees, employer, and member-national governments and provide regulations applicable to labor in general, but can also be applied to overseas work. Some examples are prevention of accidents, injuries, and the causes of hazards in the workplace. The content of the conventions may be reviewed in light of their applicability to policies for national policies. Moreover, there may be particular conditions and practices pertaining to migrant health that may guide and be included in drafting of Bilateral Agreements with countries of work of OFWs Other conventions not ratified are specific to agriculture, fishing or industry where OFWs are found. Health cases of cancer, injury, maternity, likewise pollution, also have specific conventions.

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C155 - Occupational Safety and Health Convention, 1981	Article 9 1. The enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection. 2. The enforcement system shall provide for adequate penalties for violations of the laws and regulations Article 10 Measures shall be taken to provide guidance to employers and workers so as to help them to comply with legal obligations Article 11 To give effect to the policy referred to in Article 4 of this Convention, the competent authority or authorities shall ensure that the following functions are progressively carried out: a. the determination, where the nature and degree of hazards so require, of conditions governing the design, construction and layout of undertakings, the commencement of their operations, major alterations affecting them and changes in their purposes, the safety of technical equipment used at work, as well as the application of procedures defined by the competent authorities;	• C167 - Safety and Health in Construction Convention, 1988 • C184 - Safety and Health in Agriculture Convention, 2001 • C188 - Work in Fishing Convention, 2007 • C174 - Prevention of Major Industrial Accidents Convention, 1993 • C121 - Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] • C115 - Radiation Protection Convention, 1960 • C139 - Occupational Cancer Convention, 1974 • C148 - Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 • C183 - Maternity Protection Convention, 2000 • C181 - Private Employment Agencies Convention, 1997 (See Annex B International Laws: Alignment)

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C155 - Occupational Safety and Health Convention, 1981	b. the determination of work processes and of substances and agents the exposure to which is to be prohibited, limited or made subject to authorization or control by the competent authority or authorities; health hazards due to the simultaneous exposure to several substances or agents shall be taken into consideration; c. the establishment and application of procedures for the notification of occupational accidents and diseases, by employers and, when appropriate, insurance institutions and others directly concerned, and the production of annual statistics on occupational accidents and diseases; d. the holding of inquiries, where cases of occupational accidents, occupational diseases or any other injuries to health which arise in the course of or in connection with work appear to reflect situations which are serious; e. the publication, annually, of information on measures taken in pursuance of the policy referred to in Article 4 of this Convention and on occupational accidents, occupational diseases and other injuries to health which arise in the course of or in connection with work; f. the introduction or extension of systems, taking into account national conditions and possibilities, to examine chemical, physical and biological agents in respect of the risk to the health of workers.	

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C155 - Occupational Safety and Health Convention, 1981	Article 12 Measures shall be taken, in accordance with national law and practice, with a view to ensuring that those who design, manufacture, import, provide or transfer machinery, equipment or substances for occupational use-- - satisfy themselves that, so far as is reasonably practicable, the machinery, equipment or substance does not entail dangers for the safety and health of those using it correctly; - make available information concerning the correct installation and use of machinery and equipment and the correct use of substances, and information on hazards of machinery and equipment and dangerous properties of chemical substances and physical and biological agents or products, as well as instructions on how known hazards are to be avoided; - undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with subparagraphs (a) and (b) of this Article.	



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ILO C161 - Occupational Health Services Convention, 1985	Article 3 1. Each Member undertakes to develop progressively occupational health services for all workers, including those in the public sector and the members of production co-operatives, in all branches of economic activity and all undertakings. The provision made should be adequate and appropriate to the specific risks of the undertakings. 2. If occupational health services cannot be immediately established for all undertakings, each member concerned shall draw up plans for the establishment of such services in consultation with the most representative organisations of employers and workers, where they exist. 3. Each member concerned shall indicate, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, the plans drawn up pursuant to paragraph 2 of this Article, and indicate in subsequent reports any progress in their application.	

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C115 - Radiation Protection Convention, 1960	Article 7 1. Appropriate levels shall be fixed in accordance with Article 6 for workers who are directly engaged in radiation work and are-- a. aged 18 and over; b. under the age of 18. 2. No worker under the age of 16 shall be engaged in work involving ionizing radiation. Article 8 Appropriate levels shall be fixed in accordance with Article 6 for workers who are not directly engaged in radiation work, but who remain or pass where they may be exposed to ionizing radiation or radioactive substances. Article 9 1. Appropriate warnings shall be used to indicate the presence of hazards from ionizing radiation. Any information necessary in this connection shall be supplied to the workers. 2. All workers directly engaged in radiation work shall be adequately instructed, before and during such employment, in the precautions to be taken for their protection, as regards their health and safety, and the reasons thereof.	

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C115 - Radiation Protection Convention, 1960	Article 10 Laws or regulations shall require the notification in a manner prescribed thereby of work involving exposure of workers to ionizing radiation in the course of their work. Article 11 Appropriate monitoring of workers and places of work shall be carried out in order to measure the exposure of workers to ionizing radiation and radioactive substances, with a view to ascertaining that the applicable levels are respected. Article 12 All workers directly engaged in radiation work shall undergo an appropriate medical examination prior to or shortly after taking up such work and subsequently undergo further medical examinations at appropriate intervals. Article 13 Circumstances shall be specified, by one of the methods of giving effect to the Convention mentioned in Article 1, in which, because of the nature or degree of the exposure or a combination of both, the following action shall be taken promptly: a. the worker shall undergo an appropriate medical examination; b. the employer shall notify the competent authority in accordance with its requirements;	

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C115 - Radiation Protection Convention, 1960	c. persons competent in radiation protection shall examine the conditions in which the worker's duties are performed; d. the employer shall take any necessary remedial action on the basis of the technical findings and the medical advice. Article 14 No worker shall be employed or shall continue to be employed in work by reason of which the worker could be subject to exposure to ionizing radiations contrary to qualified medical advice.	
C121 - Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980]	Article 4 1. National legislation concerning employment injury benefits shall protect all employees, including apprentices, in the public and private sectors, including co-operatives, and, in respect of the death of the breadwinner, prescribed categories of beneficiaries. 2. Any Member may make such exceptions as it deems necessary in respect of-- a. persons whose employment is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business; b. out-workers;	

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C191 - Safe and Healthy Working Environment (Consequential Amendments) Convention, 2023	Article 1 (3). The words “a safe and healthy working environment” shall be added as a new subparagraph (e) of Article III of the Maritime Labour Convention, 2006, as amended; as a new subparagraph (e) of Article 3(2) of the Domestic Workers Convention, 2011 (No. 189); and in Article 5 of the Violence and Harassment Convention, 2019 (No. 190), after the words “employment and occupation”.	

