

ABOLITION OF MONOPOLY OF GCC-APPROVED MEDICAL CENTERS ASSOCIATION, INC. (GAMCA), AND THE GAMCA DECKING AND REFERRAL SYSTEM

DFA-DOH-DOLE-DOJ Joint Memorandum Circular No. 2015-0016, July 16, 2015

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1.0 RATIONALE

Gulf Cooperation Council (GCC) member-states require prospective Overseas Filipino Workers (OFWs) applying for employment in said states to undergo pre-employment medical examination (PEME) at medical clinics and/or centers which are members and duly accredited by the GCC Approved Medical Centers Association, Inc. (GAMCA) in the Philippines. As a matter of procedure, the personal information of job applicants are registered and encoded at the GAMCA Office in Manila, for scheduling and referral to a particular GAMCA-member by the GCC Health Ministers Council Secretariat based in Riyadh, Saudi Arabia.

The abovementioned procedure is commonly known as “GAMCA-decking and referral system.”

The aforesaid system violates Section 6, subparagraph (c.4) of R.A. 8042 as amended by RA 10022, which provides:

“ (4)

Impose a compulsory and exclusive arrangement whereby an overseas Filipino worker is required to undergo health examinations only from specifically designated medical clinics, institutions, entities or persons, except in the case of a seafarer whose medical examination cost is shouldered by the principal/shipowner.”

Said system also violates Section 16, (c.3) and (c.4) of the aforesaid law, which provides:

“(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.” And

“(c.4)

Every Filipino migrant worker shall have the freedom to choose any of the DOH-accredited or DOH-operated clinics that will conduct his/her health examinations and that his or her rights as a 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.”

The Department of Health, Department of Labor and Employment, Department of Justice and Department of Foreign Affairs, as implementing agencies of the Migrant Workers and Overseas Filipinos Act of 1995 and its amending law, are mandated to fully implement the provisions of RA 8042 as amended by RA 10022, pertaining to the conduct of pre-medical examinations of OFWs.

2.0 PURPOSES

2.1

To abolish the GAMCA decking and referral system in the Philippines practiced by GAMCA-accredited medical clinics and testing centers;

2.2

To allow the conduct of pre-employment medical examination of potential OFWs who are bound to work in GCC member-states at all DOH- accredited medical clinics and testing centers; and

2.3

To prosecute persons or entities found to be violating the provisions of the law.

3.0 COVERAGE

3.1

This Circular covers governmental agencies involved in the implementation of the Migrant Workers and Overseas Filipinos Act of 1995 and its amendatory law, particularly the Department of Health, Philippine Overseas Employment Administration, Department of Justice and Department of Foreign Affairs.

4.0 GUIDELINES

4.1

Pursuant to the provisions of Section 6, (c.4) and Section 16, subparagraphs (c.3) and (c.4) of R.A. 8042 as amended by R.A. 10022, the aforementioned agencies shall perform their respective responsibilities in the implementation of the provisions of the aforesaid law in relation to the dismantling of the GAMCA decking and referral system as follows:

4.1.1

The Health Facilities and Services Regulatory Bureau of the Department of Health shall suspend or revoke the license of medical clinics and testing centers involved in decking and referral system (e.g. GAMCA decking and referral system) and allow the processing of pre- employment medical examination of prospective OFWs at all DOH- accredited medical clinics.

4.1.2

The Health Facilities and Services Regulatory Bureau of the Department of Health shall ensure that the DOH-accredited medical clinics and Testing Centers are compliant with international standards.

4.1.3

The Health Facilities and Services Regulatory Bureau of the Department of Health shall establish a schedule of fees to be charged by all medical clinics and testing centers for pre-employment medical examination for OFWs to prevent overpricing of the same.

4.1.4

The Department of Labor and Employment, through the Philippine Overseas Employment Administration, pursuant to its applicable Rules and Regulations, shall suspend or revoke the license of recruitment agencies and

shall cause the disqualification of foreign employers in participating in overseas employment program if found to be involved in decking and referral system.

4.1.5

The Task Force Against Illegal Recruitment of the Department of Justice shall conduct inquest proceedings or preliminary investigation of persons and entities involved in decking and referral system in violation of Section 6 (c.4) and Section 16 (c.3) and (c.4) of R.A. 8042, as amended by R.A. No. 10022, and if evidence warrants, file the appropriate information and prosecute cases in court.

4.1.6

The Department of Foreign Affairs shall direct all Foreign Service Posts to inform and seek the cooperation of their respective host governments regarding the full implementation of R.A. 8042 as amended by R.A. 10022, particularly in the conduct of pre-employment medical examination of Filipino Migrant workers.

The Embassy of the Republic of the Philippines in Riyadh, Kingdom of Saudi Arabia shall convey the same to the GCC Health Ministers Council Executive Board headquartered in Riyadh.

5.0. SEPARABILITY CLAUSE

If any clause, sentence or provision of this Joint Memorandum Circular shall be invalid or unconstitutional, its remaining parts shall not be affected thereby.

6.0. REPEALING CLAUSE

All orders, rules and regulations inconsistent or contrary to the provisions of this Joint Memorandum Circular are hereby repealed or modified accordingly.

7.0 EFFECTIVITY

This Circular shall take effect after complete and due publication.

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