



Republic of the Philippines  
Department of Health  
**OFFICE OF THE SECRETARY**

FEB 19 2021

**ADMINISTRATIVE ORDER**

No. 2020-2021-0018

**SUBJECT: Guidelines on Handling Complaints on Violations of Republic Act No. 10932 or the Anti-Hospital Deposit Law and Its Implementing Rules and Regulations (IRR)**

**I. RATIONALE**

Pursuant to Section 6 of R.A. No. 10932 or the *Act Strengthening the Anti-Hospital Deposit Law by Increasing the Penalties for the Refusal of Hospitals and Medical Clinics to Administer Appropriate Initial Medical Treatment and Support in Emergency or Serious Cases, Amending for the Purpose Batas Pambansa Bilang 702 as amended by Republic Act No. 8344* and its Implementing Rules and Regulation, all complaints for violations of R.A. No. 10932 against health facilities shall be filed initially with the Health Facilities Oversight Board (HFOB) under the Health Facilities and Services Regulatory Bureau (HFSRB) of the Department of Health (DOH). The HFOB shall investigate the claim of the patient and after adjudication, impose administrative sanctions in accordance with Section 4 of R.A. No. 10932 specifically the revocation of the health facility's license to operate (LTO) if found to have committed three repeated violations. On the basis of its own findings, the HFOB shall also facilitate the filing of the criminal case in the proper courts. This is without prejudice to the right of the complainant to directly institute criminal proceedings in the courts.

**II. OBJECTIVE**

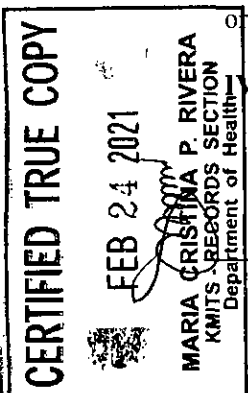
This Order aims to set the guidelines on handling complaints against hospitals or medical clinics who request, solicit, demand, or accept any deposit or any other form of advance payment in emergency or serious cases, as a prerequisite for administering basic emergency care or to refuse to administer medical treatment and support as dictated by good practice of medicine to prevent death, or permanent disability, or in the case of a pregnant woman, permanent injury or loss of her unborn child, or noninstitutional delivery.

**III. SCOPE**

This Order shall apply to all actions and proceedings on complaints under the Anti-Hospital Deposit Law. As such, this covers responsible DOH offices such as the HFOB and HFSRB, public and private hospitals, and other entities that are under the scope of Section 6 of RA No. 10932 and its Implementing Rules and Regulation. Similarly, natural persons and any such person permitted by these Rules to bring an action or proceeding may file an action or proceeding before the HFOB under the HFSRB of the DOH.

**IV. DEFINITION OF TERMS**

- a. **Complainant** – any natural person who is a real party in interest or his/her representative having personal knowledge of the acts or omissions complained of.



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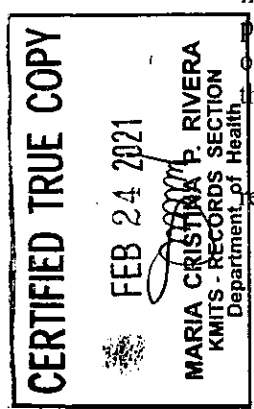
- b. **Confinement** - a state of being admitted in a hospital or medical clinic for medical observation, diagnosis, testing, and treatment consistent with the capability and available facilities of the hospital or clinic.
- c. **Emergency**- a condition or state of a patient wherein based on the objective findings of a prudent medical officer on duty for the day there is immediate danger and where delay in initial support and treatment may cause loss of life or cause permanent disability to the patient, or in the case of a pregnant woman, permanent injury or loss of her unborn child, or would result in a non-institutional delivery.
- d. **Filing**- the act of submitting the complaint, answer or other papers to the HFOB.
- e. **Hospital** - a facility devoted primarily to the diagnosis, treatment and care of individuals suffering from illness, disease, injury or deformity, or in need of obstetrical or other medical and nursing care. It shall also be construed as any institution, building or place where there are facilities and personnel for the continued and prolonged care of patients.
- f. **Medical clinic** - a place in which patients can avail of medical consultation or treatment on an outpatient basis.
- g. **Permanent disability** - a condition of physical disability as defined under Article 192-C and Article 193-B and C of Presidential Decree No. 442, as amended, otherwise known as the Labor Code of the Philippines.
- h. **Respondent** - any person who claims interest adverse to the complainant or against whom a claim or interest is directed by the complainant.
- i. **Serious case** – refers to a condition of a patient characterized by gravity or danger wherein based on the objective findings of a prudent medical officer on duty for the day when left unattended to, may cause loss of life or cause permanent disability to the patient, or in the case of a pregnant woman, permanent injury or loss of her unborn child.
- j. **Service**- the act of providing a party with a copy of the complaint, answer, summons or any other HFOB submission.

**V. GENERAL GUIDELINES**

As a rule enunciated under RA No. 10932, in the event of death, permanent disability, or in the case of a pregnant woman, permanent injury or loss of her unborn child, or noninstitutional delivery, proceeding from the denial, in emergency or serious cases, of the patient's admission to a health facility pursuant to a policy or practice of demanding deposits or advance payments for confinement or treatment, a presumption of liability shall arise against the hospital, medical clinic, and the official, medical practitioner, or employee involved.

All actions filed with the HFOB must be prosecuted and defended in the name of the real party in interest.

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**VI. SPECIFIC GUIDELINES**

**RULE I. THE HEALTH FACILITIES OVERSIGHT BOARD**

**Sec. 1. Composition of HFOB.** -The HFOB shall be composed of the following members as provided by R.A. No. 10932:

- a. A DOH representative with a minimum rank of director to serve as Chair;
- b. A representative from the Philippine Health Insurance Corporation (PhilHealth);
- c. A representative from the Philippine Medical Association (PMA);
- d. A representative from private health institutions; and
- e. Three (3) representatives from non-government organizations (NGOs) advocating for patient's rights and public health, one of whom should be a licensed physician.

**Sec. 2. Powers and Functions of the Board.** - The Board shall investigate the claim of the patient and after adjudication, impose administrative sanctions in accordance with R.A. No. 10932 including the revocation of the health facility's LTO. On the basis of its own findings, the Board shall also facilitate the filing of the criminal case in the proper courts. This is without prejudice to the right of the patient-complainant to directly institute criminal proceedings in the courts.

**Sec. 3. Quorum; Votes Required.** - Four (4) Members of the Board shall constitute a quorum for the purpose of performing the functions herein defined. The concurrence of a majority of the Members of the Board shall be necessary for the pronouncement of a valid decision or issuance of any order as deemed necessary.

**Sec. 4. Safekeeping of Records.** -The HFOB is tasked to safe keep the records of complaints, dockets, correspondences and other documents.

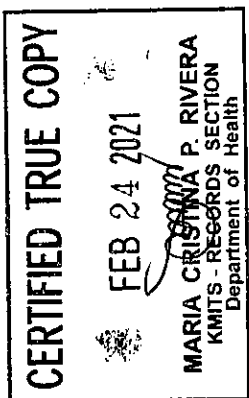
**RULE II. COMMENCEMENT OF ACTION OR PROCEEDINGS (see Annex A)**

**Sec. 1. Who may File a Complaint.** - Any natural person who is a real party in interest or his/her representative having personal knowledge of the acts or omissions complained of may file a complaint.

**Sec. 2. Manner of Filing a Complaint.** - The filing of a complaint shall be made by:

- a. Submitting personally the original thereof, plainly indicated as such, to the HFOB at Building 15, Department of Health, San Lazaro Compound, Rizal Avenue, Sta. Cruz, Manila; or
- b. Sending them by registered mail addressed to HFOB at Building 15, Department of Health, San Lazaro Compound, Rizal Avenue, Sta. Cruz, Manila; or
- c. Sending them by private courier addressed to HFOB at Building 15, Department of Health, San Lazaro Compound, Rizal Avenue, Sta. Cruz, Manila; or
- d. Transmitting them by official electronic mail through hfob@doh.gov.ph.

Complaints filed through other platforms including the DOH-Complaints Handling Unit or those from other agencies and offices such as the 8888 Citizen's



Complaint Center or Contact Center ng Bayan may be endorsed to the HFOB subject to similar requirements set forth under Section 7 hereof.

**Sec. 3. Proof of filing a Complaint.** — The filing of a complaint shall be proven by its existence in the record of the case.

- a. In case of personal filing, the HFOB shall stamp on the copy of the document the date and hour of filing.
- b. In case of filing by registered mail, the filing shall be proven by the registry receipt issued by the mailing office.
- c. In case of filing by private courier, the filing shall be proven by the courier's official receipt and document tracking number.
- d. In case of filing through official electronic mail, the same shall be proven by the scanned copy of the electronic mail as acknowledged by the HFOB under oath containing the complaint transmitted.

**Sec. 4. Modes of Service.** — Complaint shall be served personally, by registered mail, by private courier, or by electronic mail.

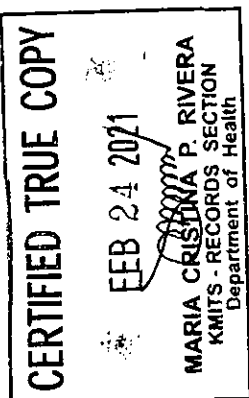
**Sec. 5. Proof of Service.** - Proof of personal service shall consist of the affidavit of the party serving, containing a full statement of the date, place and manner of service. It shall specify the pleading served, *i.e.* complaint, and the name of the addressee. If the service is made by:

- a. **Registered mail.** - Proof shall be made by the registry receipt issued by the mailing office. The registry return card or any other proof of delivery shall be filed immediately upon its receipt by the sender, or in lieu thereof, the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee.
- b. **Private Courier.** - Proof shall be made by the courier's official receipt or document tracking number.
- c. **Electronic mail.** - Proof shall be made by an affidavit of service executed by the person who sent the e-mail together with a printed proof of transmittal.

**Sec. 6. Completeness of Service.** - If service cannot be made personally, it may be effected by leaving a copy thereof to a person of suitable age, and discretion residing together with the party. Service by registered mail or through a private courier shall be complete upon actual receipt by the respondent; *Provided*, however, that if he/she fails or refuses to claim his/her mail from the post office or from the private courier, service shall take effect upon the expiration of five (5) calendar days from the date he/she first received the notice of the postmaster or the private courier. Service by electronic mail is complete at the time the party acknowledged the receipt of the same. If after three (3) calendar days, no such acknowledgement is made, the HFOB shall cause its service through a registered mail or private courier as the case may be. Service by electronic mail is not effective or complete if the party serving the document receives electronic notification that it did not reach the addressee or person to be served.

A party who changes his/her mailing address and/or electronic mail address while the action is pending must promptly file, within five (5) calendar days from such change, a notice of change of mailing address and/or e-mail address with the HFOB and serve the notice on all other parties. Service through the electronic mail address or

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facsimile number of a party shall be presumed valid unless such party notifies the HFOB of any change, as aforementioned.

**Sec. 7. Jurisdictional facts.** - The following jurisdictional facts must be observed in filing a complaint:

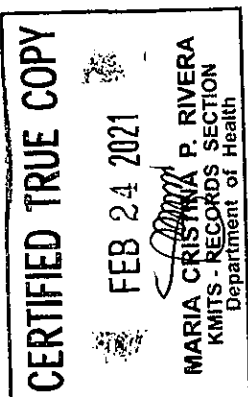
- a. The Complaint (*see Annex B*) must be in writing, subscribed and sworn to by the complainant. It shall contain the following:
  - 1) The full name and address of the complainant;
  - 2) The full name, address, and position of the respondent;
  - 3) A narration of the relevant and material facts which shows the acts or omissions allegedly committed by the respondent in violation of the provisions of RA No.10932;
  - 4) Evidence, in support of the complaint, if any; and
  - 5) Certification of non-forum shopping.
- b. The absence of any of the aforementioned jurisdictional facts may cause the automatic dismissal of the complaint without prejudice to its refiling upon compliance with the same.
- c. Complaints referred or forwarded by other agencies or offices through electronic mail shall not be considered filed unless the complainant complies with the requirements provided in Sec 1 and Sec. 2 of this Rule within ten (10) calendar days from receipt of the notice for compliance without prejudice to refiling of the case.

**Sec. 8. Formal Requisites of a Complaint**– The prescribed format for the complaint are as follows:

- a. When filed personally, by registered mail, or by private courier, the complaint shall be printed, mimeographed, or typewritten on a legal size bond paper in two (2) original copies including its unsigned soft copy in editable format and shall be in English or Filipino language.
- b. When filed by electronic mail, the complaint must be in Portable Document Format or PDF with an attached unsigned soft copy in editable format and shall be in English or Filipino language.
- c. The complaint shall be dated and signed by the complainant.
- d. A complaint shall be verified only by an affidavit stating that the person verifying the same has read the complaint and that the allegations therein are true based on his/her own personal knowledge or authentic records. Verifications based on “information and belief” or upon “knowledge”, “information” of “belief” shall be deemed insufficient.

Electronically-fillable and downloadable complaint form shall be readily available at the DOH website. Such complaint form shall also be readily available at the DOH Centers for Health Development and field offices for the convenience of the complainant. (*see Annex B*)

**Sec. 9. Non-acceptance of Complaint** - No complaint shall be accepted by the HFOB unless it conforms to the abovementioned formal requirements.



**Sec. 10. Docketing.** - Proper docketing of cases shall be adopted at the formal investigation stage. No docket fees shall be required or assessed in filing a complaint before the HFOB. In case of multiple complaints, such as those filed against 2 or more hospitals, the same shall be docketed separately. Two or more complaints instituted by parties having personal knowledge of the acts or omissions complained of, against the same hospital, medical clinic, official, medical practitioner, or employee, on the basis of the same cause of action, shall be consolidated.

### **RULE III. INITIAL ACTION OF THE HFOB**

**Sec. 1. Amicable settlement Mechanism.** - The HFOB may allow the parties to settle the matter through an amicable settlement. Such amicable settlement may be done at any stage of the proceedings.

**Sec. 2. Effect of failure of Settlement.** - If the parties fail to agree on an amicable settlement, either in whole or in part, the HFOB shall proceed to issue the summons as discussed in the next Rule.

**Sec. 3. Issuance of Summons.** - Upon receipt of a complaint sufficient in form and substance, the HFOB shall issue and serve summons addressed to the respondent or its duly authorized representative, directing the latter to file an Answer within fifteen (15) calendar days from receipt. A copy of the complaint shall be attached and served together with the summons.

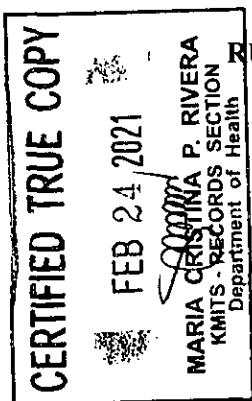
**Sec. 4. Prohibited Pleadings.** - The following pleadings and motions shall not be allowed and acted upon by the HFOB:

- a. Motion to dismiss;
- b. Motion for a bill of particulars;
- c. Demurrer to evidence;
- d. Petition for relief from judgment; Motions for new trial, or reconsideration in whatever stage of the proceedings;
- e. Motions for extension of time;
- f. Motion to declare the respondent in default;
- g. Motions for postponement except for justifiable reasons;
- h. Motion to admit pleadings filed beyond the reglementary period;
- i. Third-party complaints;
- j. Interventions;
- k. Such other pleadings, motions and petitions of similar nature intended to circumvent above provisions.
- l.

**Sec. 5. Effect of Filing a Prohibited Pleading.** - The filing of a prohibited pleading shall not interrupt the running of the prescriptive period.

### **RULE IV. RESPONDENT'S ANSWER**

**Sec. 1. Period to File an Answer.** - The Respondent must file an Answer within fifteen days (15) calendar days from service of summons. A copy of the complaint shall likewise be attached to the summons.



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**Sec. 2. Effect of Failure to Answer-** Should the respondent fail to answer the complaint within the period provided above, the HFOB shall render decision as may be warranted by the facts alleged in the complaint and the evidence submitted, if any.

**Sec. 3. Contents of an Answer.** The respondent shall set forth in the Answer his/her defenses, allegations, and relief prayed for, among others. Evidence, if any, shall be attached to the Answer supporting his/her defenses. The Answer shall also include the action/s taken by the respondent on the complaint.

**Sec. 4. Other Pleadings to be filed.** - HFOB may issue an order requiring the parties to file a Comment/Reply or Rejoinder if the latter deems it necessary for the adjudication of the case. Any new evidence alleged in such responsive pleadings may be given due course by the HFOB.

**Sec. 5. Effect of Failure to file a Comment/Reply.** When the complainant fails to submit his/her Comment or Reply after having been required to do so and especially affording him/her of due process by means of exhaustion of the modes of service as discussed under Rule VII, the HFOB shall proceed to render decision as may be warranted by the facts alleged in the complaint and answer.

**RULE V. FILING AND SERVICE OF ANSWER, DECISION, ORDER, SUMMONS AND OTHER PAPERS**

**Sec. 1. Coverage.** — This Rule shall govern the filing of all answers, summons and other HFOB submissions, as well as their service.

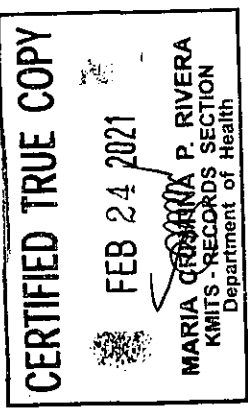
**Sec. 2. Manner of filing.** — The filing of answer and other HFOB submissions shall be made by:

- a. Submitting personally the original thereof, plainly indicated as such, to the HFOB at Building 15, Department of Health, San Lazaro Compound, Rizal Avenue, Sta. Cruz, Manila; or
- b. Sending them by registered mail addressed to HFOB at Building 15, Department of Health, San Lazaro Compound, Rizal Avenue, Sta. Cruz, Manila; or
- c. Sending them by private courier addressed to HFOB at Building 15, Department of Health, San Lazaro Compound, Rizal Avenue, Sta. Cruz, Manila; or
- d. Transmitting them by official electronic mail through [hfob@doh.gov.ph](mailto:hfob@doh.gov.ph).

The respondent filing an Answer shall serve the same to the HFOB and the complainant together with its supporting documents, if any. No Answer shall be considered without proof of service to the complainant.

**Sec. 3. Proof of filing.** — The filing of an answer or any HFOB submissions shall be proven by its existence in the record of the case.

- a. In case of personal filing, the HFOB shall stamp on the copy of the document the date and hour of filing.



- b. In case of filing by registered mail, the filing shall be proven by the registry receipt issued by the mailing office.
- c. In case of filing by private courier, the filing shall be proven by the courier's official receipt and document tracking number.
- d. In case of filing through official electronic mail, the same shall be proven by the scanned copy of the electronic mail as acknowledged by the HFOB containing the document transmitted.

**Sec. 4. Modes of Service.** - Answer, decision, order, notice, summons and other HFOB submissions or similar papers shall be served personally, by registered mail, by private courier, or by electronic mail.

**Sec. 5. Personal Service.** - HFOB submissions may be served by personal delivery of a copy to the party.

**Sec. 6. Service by registered mail.** - Service by registered mail shall be made by depositing the copy in the post office, in a sealed envelope, plainly addressed to the party.

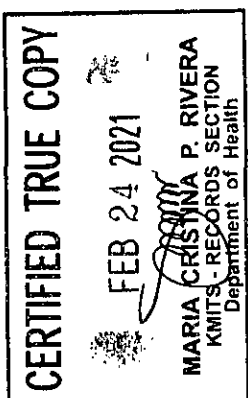
**Sec. 7. Service by private courier.** - HFOB submissions may be served by delivering a copy to the party through a private courier.

**Sec. 8. Service by electronic mail.** - Service by electronic means shall be made by sending an e-mail to the party's electronic mail address.

**Sec. 9. Proof of Service.** — Proof of personal service shall consist of the affidavit of the party serving, containing a full statement of the date, place and manner of service. It shall specify the pleading served and the name of the addressee. If the service is made by:

- a. **Registered mail.** - Proof shall be made by the registry receipt issued by the mailing office. The registry return card or any other proof of delivery shall be filed immediately upon its receipt by the sender, or in lieu thereof, the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee.
- b. **Private Courier.** - Proof shall be made by the courier's official receipt or document tracking number.
- c. **Electronic mail.** - Proof shall be made by an affidavit of service executed by the person who sent the e-mail together with a printed proof of transmittal.

**Sec. 10. Completeness of Service.** - If service cannot be made personally, it may be effected by leaving a copy thereof at the party's residence with some person of suitable age, and discretion residing therein. Service by registered mail or through a private courier shall be complete upon actual receipt by the respondent; *Provided*, however, that if he/she fails or refuses to claim his/her mail from the post office or from the private courier, service shall take effect upon the expiration of five (5) calendar days from the date he/she first received the notice of the postmaster or the private courier. Service by electronic mail is complete at the time the party acknowledged the receipt of the same. If after three (3) calendar days, no such acknowledgement is made, the HFOB shall cause its service through a registered mail or private courier as the case



42



may be. Service by electronic mail is not effective or complete if the party serving the document receives electronic notification that it did not reach the addressee or person to be served.

A party who changes his/her mailing address and/or electronic mail address while the action is pending must promptly file, within five (5) calendar days from such change, a notice of change of mailing address and/or e-mail address with the HFOB and serve the notice on all other parties. Service through the electronic mail address or facsimile number of a party shall be presumed valid unless such party notifies the HFOB of any change, as aforementioned.

## RULE VI. FACT-FINDING INVESTIGATION

**Sec. 1. Procedure of the Fact-Finding Investigation.** - If the HFOB deems it necessary, it shall conduct the Fact-Finding Investigation, if applicable. The Board may also delegate the Fact-Finding Investigation to the Center for Health Development (CHD). The HFOB or the CHD shall collect and verify facts and data in the manner below:

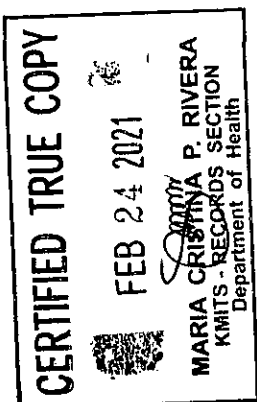
- a. The HFOB shall obtain certified true copies of relevant documents/records needed in the investigation.
- b. The HFOB may summon witnesses who have personal knowledge of the issues/facts of the case and conduct interviews or take sworn statements of the latter.
- c. The HFOB may also employ other means or methods such as surveillance, ocular inspection or forensic analysis and seek consultation/assistance from experts or other appropriate government agencies for this purpose.

**Sec. 2. Evaluation of Facts and Issues-** The HFOB shall proceed with the evaluation of the facts and issues raised in the complaint.

- a. Based on the evidence supporting the complaint and answer of the parties, HFOB shall confirm the identity and participation of the person/s being complained of as alleged in their respective complaint or answer.
- b. HFOB shall verify and validate the facts gathered, prepare a detailed summary of the chronology of events, and substantiate any circumstance that may qualify the offense/s imputed to the person/s complained of.
- c. HFOB shall likewise confirm any actions taken by the hospital to remedy the complaint and any investigation report made by the hospital or institution shall be considered in the evaluation.
- d. HFOB shall determine whether or not there is a sufficient basis to proceed with the investigation proper.

## RULE VII. CLARIFICATORY CONFERENCE

**Sec. 1. Determination of Necessity of Hearing or Clarificatory Conference.** - Immediately after filing of the last pleading, the HFOB shall, *motu proprio*, determine whether there is a need for a hearing or clarificatory conference. For this purpose, HFOB may, at its discretion and for the purpose of making such determination, utilize video conferencing systems to ask clarificatory questions to further elicit facts or information.



**Sec. 2. Role of the HFOB in the Hearing or Clarificatory Conference.** – (a) HFOB shall take full control in the conduct of the hearing or clarificatory conference and may ask questions for the purpose of clarifying points of law or facts involved in the case. HFOB may allow the presentation of testimonial evidence with right of cross-examination by the opposing party and shall limit the presentation of evidence to matters relevant to the issue before him/her and necessary for a just and speedy disposition of the case.

(b) The HFOB shall make a written summary of the proceedings, including the substance of the evidence presented, in consultation with the parties. The written summary shall be signed by the parties and shall form part of the records.

#### **RULE VIII. RENDERING OF DECISIONS**

**Sec. 1. Decision of the HFOB.** - Within sixty (60) calendar days from the date it is submitted for resolution, a decision determining the merits of the case shall be in writing clearly and distinctly stating the facts and the law on which it is based, signed by the members of the Board who participated and rendered the decisions. A copy of which shall be furnished to both parties.

Any decision against the respondent shall be limited to its administrative liability specifically the revocation of the health facility's license to operate pursuant to Section 4 of R.A. No. 10932.

#### **RULE IX. APPEAL**

**Sec. 1. Period to Appeal.** - The aggrieved party/parties may file an appeal before the Office of the Secretary of Health within fifteen (15) calendar days from receipt of a copy of the HFOB decision. Failure to appeal within the 15- calendar day period shall render the decision final and executory. A valid Appeal shall stay the execution of the decision.

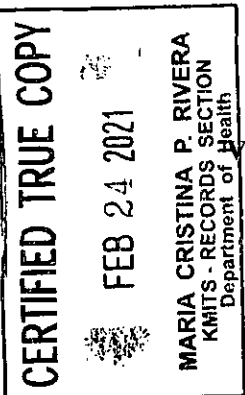
#### **RULE X. EXECUTION OF DECISIONS**

**Sec. 1. Execution.** - The decision shall be immediately executory after the lapse of the 15- calendar day period to appeal or in case a valid appeal was made by the aggrieved party, only the final decision of the Secretary of Health shall be executory. The HFOB shall issue an implementing order for its execution.

For this purpose, an implementing order is a resolution issued by the Board, duly notarized and signed by the members of the Board.

On the basis of its own findings, the Board shall also facilitate the filing of the criminal case in the proper courts. This is without prejudice to the right of the complainant to directly institute criminal proceedings in the courts.

#### **VII. MISCELLANEOUS PROVISIONS**



**Sec. 1. Inhibition.** - Any officer or member of the Board may, upon written notice to the Secretary of Health, inhibit in a particular case if it involves conflict of interest between the Officer or member of the Board and any of the concerned parties.

**Sec. 2. Construction.** - These Rules shall be liberally construed in a manner that will promote and uphold the provisions of the Anti-Hospital Deposit Law and its objective of stopping the practice of hospitals and medical clinics of demanding, requesting, soliciting or accepting deposits or advance payments for treatment or confinement of patients in emergency and serious cases.

**Sec. 3. Applicability of the Rules of Court.** The pertinent provisions of the Revised Rules of Court shall apply suppletorily in the absence of applicable provision in these Rules. Technical rules of evidence shall not be strictly observed.

#### **VIII. TRANSITORY PROVISION**

Complaints which are filed before the effectivity of RA No. 10932 shall continuously be decided by the HFSRB of the DOH. Complaints filed thereafter, shall be decided by the HFOB.

#### **IX. SEPARABILITY CLAUSE**

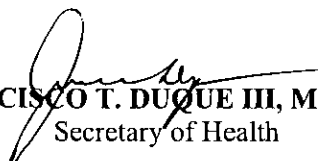
If for any reason, any portion of this Administrative Order shall be declared unauthorized or rendered invalid by any court of law or any competent authority, parts or provisions not affected shall remain in full force and effect.

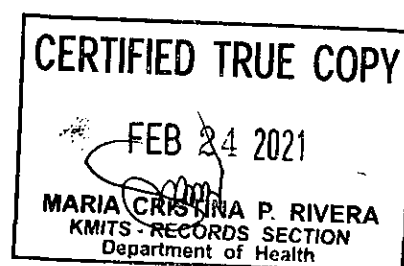
#### **X. REPEALING CLAUSE**

All other existing issuances whose provisions are inconsistent with this Order are hereby repealed or modified accordingly.

#### **XI. EFFECTIVITY**

This Administrative Order shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette or in one (1) newspaper of general circulation. A copy of this AO will be filed before the UP Law Center pursuant to Sec. 3, Book VII of the Administrative Code of 1987 (E.O. 292).

  
FRANCISCO T. DUQUE III, MD, MSc  
Secretary of Health



# HFOB RULES OF PROCEDURE PROCESS

Annex A

## FILING OF THE COMPLAINT

By the real party in interest or his/her representative having personal knowledge

- a. Personal
- b. Registered Mail
- c. Private courier
- d. Electronic mail

**- Jurisdictional facts:**

The Complaint must be in writing, subscribed and sworn to by the complainant. It shall contain the ff:

- o The full name and address of the complainant;
- o The full name, address, and position of the respondent;
- o A narration of the relevant and material facts which shows the acts or omissions allegedly committed by the respondent in violation of the provisions of R.A. No. 10932;
- o Evidence, in support of the complaint, if any; and
- o Certification of non-forum shopping.

- Formal Requisites of a Complaint
- Non-acceptance of Complaint:

No complaint shall be accepted by the HFOB unless it conforms to the abovementioned formal requirements.

## AMICABLE SETTLEMENT

The HFOB may allow the parties to settle the matter through an amicable settlement. Such amicable settlement may be done at any stage of the proceedings.

If the parties fail to agree on an amicable settlement, either in whole or in part, the HFOB shall proceed to issue the summons.

**The prescribed format for the complaint are as follows:**

- a. When filed personally, by registered mail, or by private courier, the complaint shall be printed, mimeographed, or typewritten on a legal size bond paper in two (2) original copies including its unsigned soft copy in editable format and shall be in English or Filipino language.
- b. When filed by electronic mail, the complaint must be in Portable Document Format or PDF with an attached unsigned soft copy in editable format and shall be in English or Filipino language.
- c. The complaint shall be dated and signed by the complainant.
- d. A complaint shall be verified only by an affidavit stating that the person verifying the same has read the complaint and that the allegations therein are true based on his own personal knowledge or authentic records. Verifications based on "information and belief" or upon "knowledge", "information" of "belief" shall be deemed insufficient.

Electronically-fillable and downloadable complaint form shall be readily available at the DOH website. Such complaint form shall also be readily at the DOH Centers for Health Development and field offices for the convenience of the complainant.

## ISSUANCE OF SUMMONS

Upon receipt of a complaint sufficient in form and substance, the HFOB shall issue and serve summons addressed to the respondent or its duly authorized representative, directing the latter to file an Answer within fifteen (15) calendar days from receipt.

A copy of the complaint shall be attached and served together with the summons.

## ANSWER

The Respondent must file an Answer within fifteen days (15) calendar days from service of summons. A copy of the complaint shall likewise be attached to the summons.

Should the respondent fail to answer the complaint within the period provided above, the HFOB shall render decision as may be warranted by the facts alleged in the complaint and the evidence submitted, if any.

**- Docketing:**

No docket fees shall be required or assessed in filing a complaint before the HFOB. In case of multiple complaints, such as those filed against 2 or more hospitals, the same shall be docketed separately.

## CLARIFICATORY CONFERENCE

Immediately after filing of the last pleading, the HFOB shall, motu proprio, determine whether there is a need for a hearing or clarificatory conference.

At this stage, HFOB may, at its discretion and for the purpose of making such determination, ask clarificatory questions to further elicit facts or information.

The HFOB shall make a written summary of the proceedings, including the substance of the evidence presented, in consultation with the parties.

The written summary shall be signed by the parties and shall form part of the records.

## RENDERING OF DECISIONS

Within sixty (60) calendar days from the date it is submitted for resolution, a decision determining the merits of the case shall be in writing clearly and distinctly stating the facts and the law on which it is based, signed by the members of the Board who participated and rendered the decisions. A copy of which shall be furnished to both parties.

Any decision against the respondent shall be limited to its administrative liability specifically the revocation of the health facility's license to operate pursuant to Section 4 of R.A. No. 10932.

## APPEAL

The aggrieved party/parties may file an appeal before the Office of the Secretary of Health within fifteen (15) calendar days from receipt of a copy of the HFOB decision.

Failure to appeal within the 15-day period shall render the decision final and executory.

A valid Appeal shall stay the execution of the decision.

## EXECUTION OF DECISION

The decision shall be immediately executory after the lapse of the 15-day period to appeal or, in case a valid appeal was made by the aggrieved party, only the final decision of the Secretary of Health shall be executory.

The HFOB shall issue an implementing order for its execution.

**ELECTRONICALLY FILLABLE FORM**

*(to be accomplished by the Complainant)*

- I. Complainant's Personal Information  
*(Personal na impormasyon ng nagrereklamo)*
- Name:  
*(Pangalan)*
- Sex:  
*(Kasarian)*
- Age:  
*(Edad)*
- Address:  
*(Tirahan)*
- Telephone Number, Cellphone number:  
*(Telepono, email)*
- II. Patient's Personal Information  
*(Personal na impormasyon ng pasyente)*
- Name:  
*(Pangalan)*
- Sex:  
*(Kasarian)*
- Age:  
*(Edad)*
- Address:  
*(Tirahan)*
- Telephone Number, Cellphone number:  
*(Telepono, email)*
- III. Hospital/Facility Concerned Information  
*(Impormasyon sa inirereklamo)*

4/2

Name of the Hospital/Facility:

*(Pangalan ng Hospital/Facility)*

Location of the Hospital/Facility

*(Lokasyon ng Hospital/Facility)*

IV. Witness/es Personal Information *(Personal na impormasyon ng saksi)*

Name:

*(Pangalan)*

Address:

*(Tirahan)*

Telephone Number, Cellphone number:

*(Telepono, email)*

V. Date and Time of the Incident *(Petsa at Oras ng Pangyayari)*

VI. Narration of the events which transpired *(Salaysay ng mga naganap)*

VII. Has a similar complaint been filed before the HFOB?

*(Mayroon bang kaparehong reklamo na naidulog sa HFOB?)*

Yes  No

Name of the Complainant:

**PIRMAHAN, IPA- NOTARYO AT I-UPLOAD ANG NAKA-KALAKIP NA  
CERTIFICATION AGAINST FORUM SHOPPING**

**CERTIFICATION AGAINST FORUM SHOPPING**

I, CERTIFY, under oath, that:

*(Ako, (nagrereklamo), ay sumusumpa na):*

1. All information on this complaint are true and correct to the best of my knowledge and belief;

*(Lahat ng mga nakasaad sa reklamo na ito ay tunay at tama sa aking personal na pagkakaalam at paniniwala);*

2. I have not commenced any action or filed any claim involving the same issues in any court, tribunal, or quasi-agency; and

*(Wala akong sinampa na kaso o aksyon na may parehong isyu sa kahit saang korte, tribunal o ahensya); at*

3. If I should thereafter learn that a similar action has been filed and/or is pending, I shall report that fact to the Health Facilities Oversight Board within five (5) days upon knowledge thereof.

*(Kung may malalaman ako na may kaparehas na aksyon na naka-sampa, ito ay aking i-dudulog sa Health Facilities Oversight Board sa loob ng limang (5) araw mula sa pagkakaalam nito).*

\_\_\_\_\_  
Complainant  
*(nagrereklamo)*

Subscribed and Sworn to before me this \_\_\_\_\_ day of 20\_\_\_\_, Affiant exhibiting  
his/her ID No. \_\_\_\_\_ issued at \_\_\_\_\_ on  
\_\_\_\_\_.

Notary Public

Doc. No. \_\_\_\_\_  
Page No. \_\_\_\_\_  
Book No. \_\_\_\_\_  
Series of \_\_\_\_\_

49