



Republic of the Philippines
PHILIPPINE HEALTH INSURANCE CORPORATION

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PHILHEALTH CIRCULAR

No. 15 s-2008

To : ^{July} **ARBITERS; OFFICER-IN-CHARGE (OIC) ARBITERS;
PROSECUTORS; HEALTH CARE PROVIDERS;
PHILHEALTH MEMBERS AND BENEFICIARIES; AND ALL
OTHERS CONCERNED**

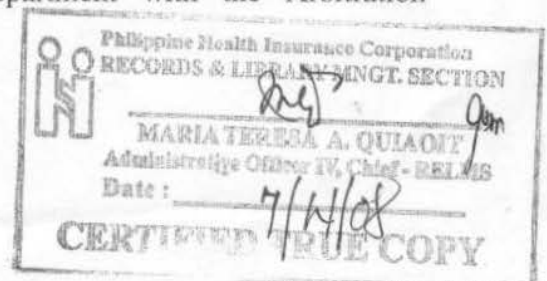
Subject : **POLICY AND CLARIFICATION ON MOTIONS FOR
RECONSIDERATION OF DECISIONS OF THE
ARBITRATION DEPARTMENT AND RESOLUTIONS OF THE
PROSECUTION DEPARTMENT ON ADMINISTRATIVE
CASES AGAINST HEALTH CARE PROVIDERS AND
MEMBERS**

It should be emphasized that Republic Act No. 7875 and its implementing rules and regulations do not provide for the remedy of a **“motion for reconsideration”** (MFR) by respondents on the **decisions of the Arbitration Department** but provide for the immediate remedy of an **“appeal”** by respondents of such decisions to the Board within fifteen (15) calendar days from receipt of the same.

The practice of respondents in nevertheless filing MFRs with the Arbitration Department on its decisions is therefore without sufficient legal basis and the corresponding action by the Arbitration Department on the substantive merits thereof only result to the following adverse effects:

1. Unduly prolong and delay the mandated procedure in the disposition of cases in the Arbitration Department;
2. Unduly interrupt or toll, and in effect, extend the fifteen (15)-day reglementary period for the filing of an appeal to the Board; and
3. Unnecessarily expose the decisions of the Arbitration Department to questions of infirmity in the event MFRs are granted and such decisions are accordingly modified or set aside by the Arbitration Department itself.


Similarly, Republic Act No. 7875 and its implementing rules and regulations likewise do not provide for the remedy of an MFR by respondents on the **resolutions of the Prosecution Department** wherein a prima facie case has been found to exist against the respondent, but require the respondent to instead file an **“answer”** with the Arbitration Department after a corresponding complaint against the respondent has been mandatorily filed by the Prosecution Department with the Arbitration Department.



The practice of respondents in nonetheless filing MFRs with the Prosecution Department on its resolutions is consequently without adequate legal basis as well and merely leads to akin adverse effects as in the practice of respondents in resorting to MFRs on the decisions of the Arbitration Department.

In view of the foregoing considerations, the **Arbitration Department shall henceforth no longer entertain and act on MFRs of its decisions** on the substantive merits thereof **and shall deny the same outright** for want of legal basis; and thus, the filing of such MFRs should not be deemed to interrupt or toll the fifteen (15)-day reglementary period for the filing of an appeal to the Board. Correlatively, the **Prosecution Department shall henceforth no longer entertain and act on MFRs of its resolutions** on the substantive merits thereof **and shall deny the same outright** for want of legal basis.

This Circular shall take effect on **August 1, 2008** after its publication in two (2) newspapers of general circulation.


LORNA O. FAJARDO
Acting President and CEO

Date signed : July 4, 2008

