



Republic of the Philippines
PHILIPPINE HEALTH INSURANCE CORPORATION
Citystate Centre, 709 Shaw Boulevard, Pasig City
Healthline 637-9999 www.philhealth.gov.ph

PHILHEALTH CIRCULAR

No. 37, s- 2009

Duty
TO : ACCREDITED INSTITUTIONAL HEALTH CARE PROVIDERS,
MEMBERS OF THE NATIONAL HEALTH INSURANCE
PROGRAM, PHILHEALTH REGIONAL OFFICES AND ALL
OTHERS CONCERNED

SUBJECT: GUIDELINES ON THE IMPLEMENTATION OF WRITS OF
EXECUTION ISSUED BY THE ARBITRATION DEPARTMENT

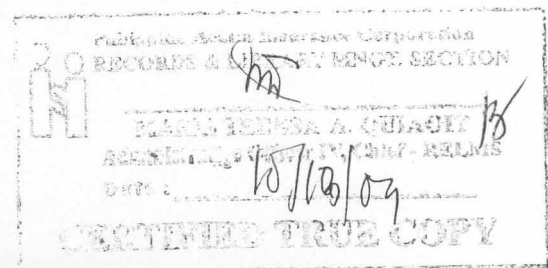
I. TITLE

This shall be known as the "Guidelines on the Execution and Satisfaction of Final Judgments or Decisions of the Arbitration Department Against Institutional Health Care Providers" or otherwise known as the "Execution Guidelines"

This is pursuant to Section 136, Rule XXVI of the Implementing Rules and Regulations of the National Health Insurance Act (R.A. 7875), as amended, in furtherance of Section 17 of the said law.

II. RULES OF PROCEDURE

1. After the lapse of the fifteen (15) day period to appeal decisions of the Arbiter wherein the penalty imposed is suspension or revocation of accreditation, or after the decision of the Board on appealed cases affirming the imposition of the penalty of suspension or revocation has become final and executory without prejudice to the elevation of the case in appellate courts of justice, and upon motion of the Prosecution, an Order granting the issuance of a Writ of Execution ("Writ" for brevity) shall be issued by the Arbiter *a quo*. The Writ shall state therein the exact date of implementation and effectivity of the suspension or revocation as the case



may be, which in no case shall be earlier than sixty (60) days from the date of issuance of the Writ.

2. Attached to the order granting the issuance of the Writ is the directive to the Legal Service Unit (LSU) under whose regional jurisdiction the convicted health care provider is situated, to execute and implement it. Copies of the said directive shall likewise be furnished to the Office of the Regional Vice President or Head of the receiving PhilHealth Regional Office (PhRO), and the Accreditation and Prosecution departments of the Central Office.

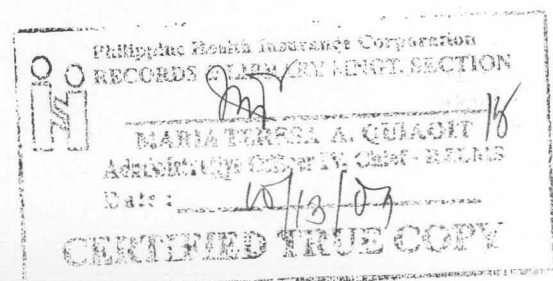
- 2.1 After the receipt of the directive to execute, the respective LSU shall personally serve the Writ to the convicted health care provider immediately or within seven (7) days from receipt thereof. The LSU shall also coordinate and inform the Accreditation and Benefits Administration section of the PhRO upon its receipt of the Writ.

- 2.2 In the event that the authorized officials or representatives of the convicted health care provider refuse to expressly receive the Writ, the LSU shall take note of such refusal and tender the Writ by leaving a copy thereof at the premises of the health care provider. Tender of the Writ is tantamount to an effective service of the same.

- 2.3 After personal service of the Writ, the LSU shall immediately or within seven (7) days submit a report or certification of compliance to the directive, attaching thereto satisfactory evidence or proof of service, to the Arbiter and the Manager of the Accreditation Department. Recommended format of the report or certification is hereto attached as Annexes "A" and "A-1". The LSU shall keep a record of the Writs received and personally issued for verification purposes.

- 2.4 After receipt of the compliance report or certification, the Accreditation Department shall then commence appropriate revisions in the database of the accreditation status of the convicted health care provider. The Accreditation Department shall inform the LSU, Accreditation, and Benefit Administration offices of the PhRO wherein the convicted health care provider is situated immediately once the revision has been effected.

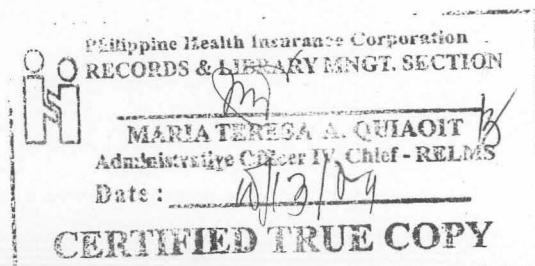
3. Within ten (10) days prior to the commencement of the suspension or revocation as stated in the Writ, the LSU together with representatives from the Accreditation office of the PhRO, shall post Notices of Suspension/Revocation ("Notice" for brevity) in three conspicuous areas of the facility, namely: (1) near the signage which says "Philhealth Accredited"; (2) the main entrance; and (3) the billing or accounting office where settlements of hospital bills are transacted.



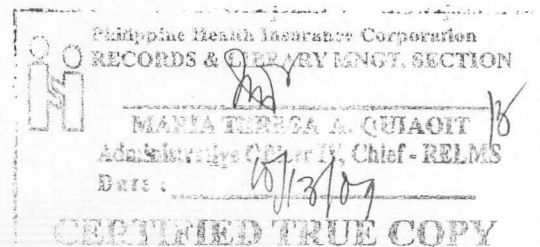
- 3.1 The Notice must be made of white tarpaulin and in the same size as that of the required signage under PHIC Circular No. 01 s. 2001, and in bold black letters must state clearly and visibly as follows: "The PhilHealth accreditation of (name of hospital) is suspended from (date of start) until (date of conclusion). No claims for confinements at this hospital during this period shall be received, processed and paid by Philhealth." Or "The PhilHealth accreditation of (name of hospital) is revoked effective on (date). No claims for confinements on such date and onwards shall be paid by PhilHealth", as the case may be and if possible, a translation in the vernacular may likewise be inserted in the Notice. With due consent of the convicted health care provider, the signage of "PHILHEALTH Accredited" or any other sign or marker informing the public of its Philhealth accreditation should be removed if possible.
- 3.2 The LSU and Accreditation representatives shall exhaust all efforts to monitor faithful compliance of the posting of the Notice and to the Writ by the convicted health care provider. In case there shall be a violation of the same, such acts shall constitute as grounds for the filing of a new case for the administrative offense of Breach of Warranties of Accreditation.
- 3.3 The PhRO through its Public Relations/Information Office shall exert efforts to inform Philhealth members of the suspension of accreditation of the convicted health care provider in their region after the Writ has been served. Expenses for such purpose shall henceforth be included in their annual budget.
4. After satisfaction of the Writ, the LSU shall make a report stating therein that the provider faithfully complied with the same within fifteen (15) days from the expiration of the period of suspension. The report shall be addressed to the Executive Arbiter and Manager of the Accreditation Department.

III. SPECIAL TRANSITORY GUIDELINES FOR WRITS OF EXECUTION ISSUED BEFORE FEBRUARY 28, 2009

1. For Writs issued on or before February 28, 2009, after reconciliation of the available records of the Arbitration and Accreditation departments, a new directive shall be issued to the LSU by the Arbiter *a quo* attaching thereto the old or previously served Writs. For purposes of these special transitory guidelines, all Writs issued before February 28, 2009 shall be understood to have already been served via registered mail on the convicted health care provider regardless of its subsequent change of name or ownership.



2. The new directive shall state the period when the suspension or revocation shall take effect, which shall be sixty (60) days after its issuance unless otherwise provided for by these guidelines.
3. Pursuant to the new directive, LSU shall personally serve the old Writ again within the period as prescribed in the *Execution* guidelines. Simultaneously during the service of the old Writ and after verifying that the convicted health care provider has already received the same on an earlier date, a Sworn Certification of Compliance or Non-Compliance to the Writ subscribed by the Medical Director or Hospital Administrator or any of their authorized representative, shall be obtained by the LSU. The Attorney IV of the respective LSU of the PhRO shall be authorized to administer oaths for purposes of these special transitory guidelines.
 - 3.1 In case the convicted health care provider has not yet complied with the Writ, provisions of the *Execution* guidelines shall be applied.
 - 3.2 In case the convicted health care provider declared compliance with the Writ, LSU shall verify from the Benefit Administration and Accreditation offices of the PhRO the veracity of the declaration of compliance before commencing further action.
 - 3.2.1 If the convicted health care provider genuinely complied with the Writ, the Benefit Administration office shall issue a certification to the effect that no claim for confinement within the supposed period of suspension or revocation was filed, processed, or paid in favor of the convicted health care provider. Such case shall be treated as self-imposed suspension or revocation and shall be honored by the LSU and the Accreditation office of the PhRO. The self-imposition of suspension or revocation shall not be adversely affected by claims directly filed by the member or filed by the convicted health care provider in behalf of the member within the supposed period of suspension or revocation provided that the proceeds of the claim are entirely accruable to the member. The period of suspension shall be computed from the date of actual compliance regardless of the personal service of the Writ made by the LSU. All applicable provisions of the *Execution* guidelines at this stage shall be applied.
 - 3.2.2 If the convicted health care provider **did not** genuinely comply with the Writ through incessant claiming of payment from the Corporation as if it had a valid accreditation within the supposed period of suspension or revocation, or through other similar acts which tend to contradict their issued Sworn Certification of



Compliance to the Writ, the supposed self-imposed suspension or revocation shall be disregarded and the new period based on the new directive shall be implemented. All applicable provisions of the *Execution* guidelines at this stage shall be applied.

- 3.2.3 All claims filed by the convicted health care provider under par. 3.2.2 shall be processed and paid. However, such act in contravention of the Sworn Certification of Compliance issued by the said convicted health care provider shall be considered sufficient ground for the filing of cases against it for the administrative offenses of Misrepresentation and Breach of the Warranties of Accreditation as well as other appropriate criminal offenses.
4. All applicable provisions of the *Execution* guidelines after the personal service of the Writ shall be applied. However, for cases under par. 3.2.1, posting of Notices shall be done immediately or within seven (7) days after confirmation of the Accreditation Department that the accreditation status of the convicted health care provider in the database has been revised.

IV. REPEALING CLAUSE

All orders, circulars, or rules, which are inconsistent with these guidelines, are hereby repealed, amended, or modified accordingly.

V. EFFECTIVITY DATE

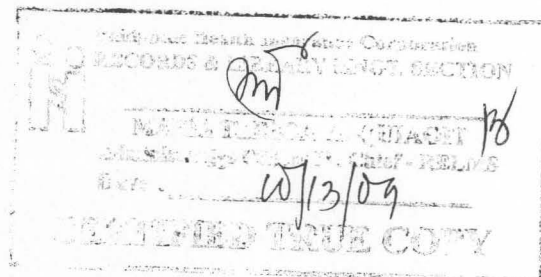
This circular shall take effect immediately and shall be applied to all Writs issued after **February 28, 2009**. Writs issued on or before the aforementioned date shall be covered by the Special Transitory Guidelines.


DR. REY B. AQUINO SEP 11 2009
President and CEO

PhilHealth
Your Partner in Health



OP-S09-14854



(annex A)



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PHILIPPINE HEALTH INSURANCE CORPORATION
ARBITRATION DEPARTMENT

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**PHILIPPINE HEALTH INSURANCE
CORPORATION,**

Complainant,

PHIC Case No. HCP-xxx-09-xxx

For: Padding of Claims

-versus-

ABC Hospital,

Respondent.

x-----x

RETURN OF WRIT OF EXECUTION

This Writ of Execution received on (date of receipt) served on the respondent ABC Hospital as evidenced by (proof of evidence), is returned with the following report:

1. xxx
2. xxx

In witness whereof, I have hereunto set my hand this (date of signing).

ATTORNEY IV
Legal Office - PhRO

WITNESSES: (at least two)

(annex A-1)



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ARBITRATION DEPARTMENT
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PHILIPPINE HEALTH INSURANCE
CORPORATION,

Complainant,

PHIC Case No. HCP-xxx-09-xxx

For: **Padding of Claims**

-versus-

ABC Hospital,

Respondent.

x-----x

RETURN OF WRIT OF EXECUTION

This is to certify that the undersigned caused the service of the Writ Of Execution received on (Date of receipt) upon respondent ABC Hospital on (date of personal service) at (address of respondent). However, respondent refused to formally receive the same on the ground that (reason for refusal).

Hence, in accordance with par. 2.2 of PHIC Circ. No. _____, otherwise known as the Execution Guidelines, the Writ is hereby considered tendered by leaving a copy of the same on the respondent.

In witness whereof, I have hereunto set my hand this (date of signing).

ATTORNEY IV
Legal Office - PhRO

WITNESSES: (at least two)