



**DEPARTMENT OF HEALTH
HEALTH FACILITIES AND SERVICES REGULATORY BUREAU
HEALTH FACILITIES OVERSIGHT BOARD**

Frequently Asked Questions: Guidelines on Handling Complaints regarding Violations of Republic Act No. 10932 or the Anti-Hospital Deposit Law and Its Implementing Rules and Regulations (Administrative Order No. 2021-0018)

1. What is the scope of AO No. 2021-0018?

The guidelines embodied in AO-No. 2021-0018 shall apply to all actions and proceedings regarding complaints against the Anti-Hospital Deposit Law¹.

2. What are the illegal acts covered by the Anti-Hospital Deposit Law?

Pursuant to the Anti-Hospital Deposit Law, hospitals or medical clinics are prohibited to solicit, demand or accept any deposit or any other form of advance payment as a prerequisite for administering basic emergency care or to refuse to administer medical treatment in the following:

- a) In cases to prevent death;
- b) In cases to prevent permanent disability; and
- c) In cases of a pregnant woman when permanent injury is imminent or loss of her unborn child, or noninstitutional delivery².

3. Where to file a complaint for the violation of the Anti-Hospital Deposit Law?

Complaints for the violation of the Anti-Hospital Deposit Law 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)³.

4. Who may file a complaint?

Any natural person who is a real party in interest or his/her representative who has personal knowledge of the acts or omissions complained of.⁴

¹ Section III of AO No. 2021-0018

² Section 1 of RA 10932 and Section V of AO No. 2021-0018

³ Section 2, Rule II of AO No. 2021-0018

⁴ Section 1 of AO No. 2021-0018



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5. What are the requisites to file a complaint?

- a) The complaint must be in writing and sworn to by the complainant containing the following details:
 - i. Full name and address of the complainant;
 - ii. Full name, address and position of the respondent;
 - iii. Narration of relevant and material facts which show the acts or omission relative to the violation of the Anti-Hospital Deposit Law;
 - iv. Evidence, if any; and
 - v. Certification of Non-Forum shopping.
- b) Dated and signed by the complainant
- c) Verified by an affidavit⁵

6. How to file a complaint?

A complaint may be filed in the following ways:

- a) Submitting personally two (2) copies of the complaint to the HFOB at Building 15, Department of Health, San Lazaro Compound, Rizal Avenue, Sta. Cruz, Manila; or
- b) Sending two (2) copies of the complaint by registered mail to HFOB at Building 15, Department of Health, San Lazaro Compound, Rizal Avenue, Sta. Cruz, Manila; or
- c) Sending two (2) copies of the complaint through a private courier addressed at HFOB at Building 15, Department of Health, San Lazaro Compound, Rizal Avenue, Sta. Cruz, Manila; or
- d) Transmitting the complaint by official electronic mail through hfob@doh.gov.ph.⁶

7. Are there any fees to be paid?

No docket fees shall be required or assessed in filing a complaint⁷.

8. Can the parties enter into an amicable settlement?

The HFOB may allow the parties to enter into an amicable settlement at any stage of the proceedings⁸.

9. What happens if the parties fail to enter into an amicable settlement?

The HFOB will proceed to issue the summons or continue to hear the case depending on the stage of the proceedings⁹.

⁵ Section 7, Rule II of AO 2021-0018

⁶ Section 8, Rule II of AO 2021-0018

⁷ Section 10, Rule II of AO 2021-0018

⁸ Section 1, Rule III of AO 2021-0018

⁹ Section 2, Rule III of AO 2021-0018



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10. What should the respondent do once summons is served?

The respondent shall file an Answer within fifteen (15) days from receipt of the summons¹⁰.

11. What are the contents of an Answer?

The answer shall contain the defenses, allegations, relief prayed of, and evidence of the respondent if any¹¹.

12. How to file an answer and other HFOB submissions?

- a. Submit personally the original copy of the complaint to the HFOB; or
- b. Send it through registered mail addressed to HFOB; or
- c. Send it through a private courier addressed to HFOB; or
- d. Send it through the official e-mail address at hfob@doh.gov.ph¹²

13. What happens if the respondent fails to file an answer?

HFOB shall render its decision based on the facts alleged in the complaint and the evidence submitted, if any¹³.

14. What happens if the respondent files an Answer?

The HFOB may order the parties to file a Comment/Reply¹⁴.

15. What if the complainant fails to file a Comment/Reply?

HFOB shall proceed to render a decision as may be warranted by the facts alleged in the Complaint and Answer¹⁵.

¹⁰ Section 3, Rule III of AO 2021-0018

¹¹ Section 3, Rule IV of AO 2021-0018

¹² Section 2, Rule V of AO 2021-0018

¹³ Section 2, Rule IV of AO 2021-0018

¹⁴ Section 4, Rule IV of AO 2021-0018

¹⁵ Section 5, Rule IV of AO 2021-0018



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16. What happens once the case is submitted for resolution?

The HFOB, within 60 days from the date it is submitted for resolution, shall render its decision on the merits of the case, stating clearly the facts and the law which it is based. It shall be signed by the members of the Board who participated and rendered the decision.

A copy of the decision shall be furnished to the parties¹⁶.

17. Can the aggrieved party appeal?

The aggrieved party/ies may file an appeal before the Secretary of Health within 15 calendar days from receipt of the copy of the HFOB decision.

A valid appeal shall stay the execution of the decision.¹⁷

18. What happens if the aggrieved party fails to file an appeal?

The decision becomes final and executory¹⁸.

19. What happens once the decision becomes final and executory?

The Board shall issue a duly signed and notarized Implementing Order¹⁹.

20. Can a criminal case be filed in the proper court?

Yes, the Board shall facilitate the filing of the criminal case or the complainant may directly institute the criminal proceedings in courts²⁰.

¹⁶ Section 1, Rule VIII of AO 2021-0018

¹⁷ Section 1, Rule IX of AO 2021-0018

¹⁸ Section 1, Rule X of AO 2021-0018

¹⁹ Section 1, Rule X of AO 2021-0018

²⁰ Section 1, Rule X of AO 2021-0018