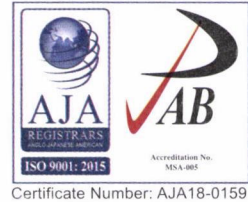




Republic of the Philippines
 Department of Finance
INSURANCE COMMISSION
 1071 United Nations Avenue
 Manila



Legal Opinion (L.O.) No.	2019-11
Date:	30 October 2019

DR. CLARISSA M. MENDOZA
President and Medical Director
 Wellcare Health Maintenance
 551 Cabildo Street, Casa Marinero II Building
 Intramuros, Metro Manila

SUBJECT : Compliance with CL No. 2018-06 in connection with AMLC Resolution No. 107-2017, AMLC Regulatory Issuance (A) No. 4-2017

Dear Dr. Mendoza:

This pertains to your letter dated 16 July 2019 inquiring whether Health Maintenance Organization (HMO) products fall under Part 1 (VII) (C) (5) of the AMLC Registration and Reporting Guidelines (ARRG) which provide deferment on reporting of no/low risk covered transaction of Group Life Insurance and Hospitalization Insurance.

Please be informed that HMO products **DO NOT** fall under Part 1 (VII) (C) (5) of the ARRG.

Part 1 (VII) (C) (5) of the ARRG clearly pertains to Group Life Insurance and Hospitalization Insurance only and do not include any HMO products. Part 1 (VII) (C) (5) of the ARRG specifically provides:

“VII. No/Low Risk Transactions

Defer Reporting of the following “no/low risk” covered transactions.

- A. x x x
- B. x x x
- C. *For CPs under the supervisory authority of the Insurance Commission (IC):*

x x x

5. Group Life Insurance and Hospitalization Insurance:

x x x.” (Emphasis and underscoring provided.)

It is an elementary rule of statutory construction that the express mention of one person, thing, act, or consequence excludes all others. This rule is expressed in the familiar maxim "*expressio unius est exclusio alterius*."¹

Had the Anti-Money Laundering Council (AMLC) intended to include HMO products in the enumeration of no/low risk transactions in the regulatory issuance, the same could have been expressly provided in the ARR.G.

It shall be understood that the foregoing opinion is rendered based solely on the facts disclosed in the query and relevant solely to the particular issue raised therein and shall not be used in the nature of a standing rule binding upon the courts, or upon the Commission in other cases of similar or dissimilar circumstances. If upon investigation, it will be disclosed that the facts relied upon are different, this opinion shall be rendered null and void.

Very truly yours,


DENNIS B. FUNA
Insurance Commissioner



¹ Romualdez vs. Marcelo, G.R. Nos. 165510-33, 28 July 2006.