



'14 JAN 20 P 6 :21

SENATE
S. B. NO. 2068

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Introduced by Senator Maria Lourdes Nancy S. Binay

EXPLANATORY NOTE

Accounts of Migrant Workers especially women being abused in the custody of Philippine government officials abroad continue to shock our senses. Section 2 of the Revised Penal Code ("Code") gives extraterritorial effect to the Code insofar as public officers and employees commit offenses therein in the exercise of their functions.

Art. 2. *Application of its provisions.* — Except as provided in the treaties and laws of preferential application, the provisions of this Code shall be enforced not only within the Philippine Archipelago, including its atmosphere, its interior waters and maritime zone, but also outside of its jurisdiction, against those who:

1. Should commit an offense while on a Philippine ship or airship
2. Should forge or counterfeit any coin or currency note of the Philippine Islands or obligations and securities issued by the Government of the Philippine Islands;
3. Should be liable for acts connected with the introduction into these islands of the obligations and securities mentioned in the presiding number;
4. While being public officers or employees, should commit an offense in the exercise of their functions; or
5. Should commit any of the crimes against national security and the law of nations, defined in Title One of Book Two of this Code

There is serious doubt however if the extraterritorial effect given to the Code can sufficiently safeguard Migrant Workers from advances of unscrupulous government officials.

For the above reason, the passage of this Bill is earnestly requested.

MARIA LOURDES NANCY S. BINAY
Senator

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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1 AN ACT ENHANCING PROTECTION FOR OVERSEAS FILIPINO WORKERS IN THE
2 CUSTODY OF GOVERNMENT OFFICERS/EMPLOYEES, AMENDING FOR THIS
3 PURPOSE REPUBLIC ACT 8042
4

5 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
6 *assembled:*
7

8 **SECTION 1.** Section 8 of Republic Act 8042 is hereby amended to include a Section 8-A as
9 follows:
10

11 **SEC. 8. PROHIBITION ON OFFICIALS AND EMPLOYEES.** - It shall be unlawful
12 for any official or employee of the Department of Labor and Employment, the
13 Philippine Overseas Employment Administration, or the Overseas Workers Welfare
14 Administration, or the Department of Foreign Affairs, or other government agencies
15 involved in the implementation of this Act, or their relatives within the fourth civil
16 degree of consanguinity or affinity, to engage, directly or indirectly, in the business of
17 recruiting migrant workers as defined in this Act. The penalties shall be imposed upon
18 them.
19

20 **SEC. 8-A. OFFICIALS OR EMPLOYEES OF THE DEPARTMENT OF LABOR**
21 **AND EMPLOYMENT, THE PHILIPPINE OVERSEAS EMPLOYMENT**
22 **ADMINISTRATION, OR THE OVERSEAS WORKERS WELFARE**
23 **ADMINISTRATION, OR THE DEPARTMENT OF FOREIGN AFFAIRS, OR**
24 **OTHER GOVERNMENT AGENCIES INVOLVED IN THE IMPLEMENTATION**
25 **OF THIS ACT THAT ARE STATIONED ABROAD COMMITTING THE**
26 **FOLLOWING VIOLATIONS OF SPECIAL LAW AGAINST MIGRANT**
27 **WORKERS IN THEIR CUSTODY SHALL BE CRIMINALLY PROSECUTED IN**
28 **THE PHILIPPINES:**
29

- 30 (a) REPUBLIC ACT 7610 OR SPECIAL PROTECTION OF CHILDREN
31 AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT
32 (b) REPUBLIC ACT 9262 OR ANTI-VIOLENCE AGAINST WOMEN AND
33 THEIR CHILDREN ACT
34 (c) REPUBLIC ACT 9208 OR THE ANTI-TRAFFICKING IN PERSONS ACT OF
35 2003
36 (d) REPUBLIC ACT 9710 OR THE MAGNA CARTA OF WOMEN

1 (e) REPUBLIC ACT NO. 7877 OR THE ANTI-SEXUAL HARASSMENT ACT OF
2 1995

3 (f) REPUBLIC ACT NO. 8353 OR THE ANTI-RAPE LAW OF 1997
4

5 **SECTION 2. Effectivity.** This Act shall take effect fifteen (15) days after its publication in at
6 least two (2) newspapers of general circulation.

7
8 Approved,