

SENATE
SENATE BILL NO. 157

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

**AN ACT EXPANDING THE USE OF THE LEGAL ASSISTANCE FUND,
AMENDING FOR THE PURPOSE SECTION 26 OF REPUBLIC ACT NO. 8042,
OTHERWISE KNOWN AS "THE MIGRANT WORKERS AND OVERSEAS
FILIPINOS ACT OF 1995", AS AMENDED**

EXPLANATORY NOTE

The 1987 Philippine Constitution, Article XIII, Section 3 thereof, states that:

The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

Furthermore, under Article II, Section 18, to wit:

The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

According to the latest survey by the Philippine Statistics Authority (PSA) covering the period of April to September 2015, the number of Overseas Filipino Workers (OFWs) who worked abroad was estimated at 2.4 million, 97.1% of which are Overseas Contract Workers (OCWs) or those with existing work contract.¹

Despite the number of our OFWs and while we recognize the significant contribution of OFWs to the national economy through their foreign exchange remittances, the protection to our Filipino migrant workers remains inadequate.

Republic Act No. 8042 (R.A. 8042), also known as the "Migrant Workers and Overseas Filipinos Act of 1995", was enacted to protect and promote the rights and welfare of Filipino migrant workers which was later on amended by Republic Act 10022. This Act avers the establishment of the Legal Assistance Fund for migrant workers.

¹ <https://psa.gov.ph/content/total-number-ofws-estimated-24-million-results-2015-survey-overseas-filipinos-0>

However, the Omnibus Rules and Regulations Implementing R.A. No. 8042, as amended, limit its application by providing a specific set of instances wherein the Legal Assistance Fund may be accessed, to wit:

Sec. 3. Legal Assistance Fund. The Legal Assistance Fund created under the Act shall be used exclusively to provide legal services for Migrant Workers and Overseas Filipinos in distress in accordance with approved guidelines, criteria and procedures of the DFA. It shall be used inter alia for the following specific purposes: (a) In the absence of a counsel de oficio or court-appointed lawyer, payment of attorney's fees to foreign lawyers for their services in representing migrant workers facing criminal and labor cases abroad, or in filing cases against erring or abusive employers abroad, provided, that no amount shall be disbursed for the appeal of cases except when the penalty meted is life imprisonment or death or under meritorious circumstances as determined by the Undersecretary for Migrant Workers Affairs;

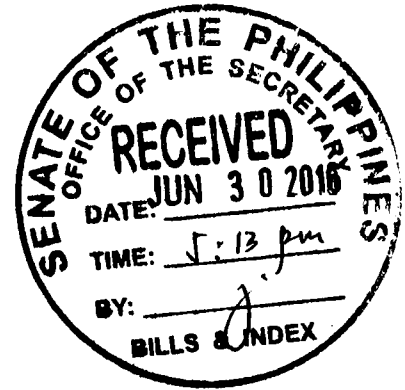
It is incumbent on the State that an enabling mechanism be installed to guaranty that the rights and interest of distressed migrant workers and overseas Filipinos, documented and undocumented, be protected and safeguarded.

The bill seeks to institute a higher standard of safety and promotion of the welfare of migrant workers and their families, thru the expansion of the coverage of the Legal Assistance Fund.

Hence, the passing of this bill is earnestly sought.



JOSEPH VICTOR G. EJERCITO
SENATOR



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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. Section 26 of Republic Act No. 8042, otherwise known as the "Migrant
2 Workers and Overseas Filipinos Act of 1995", as amended by R.A. No. 10022, is hereby 7
3 amended to read as follows:

4
5 SEC. 26. Uses of the Legal Assistance Fund. - The Legal Assistance Fund
6 created under the preceding section shall be used exclusively to provide legal services
7 to migrant workers and overseas Filipinos in distress in accordance with the
8 guidelines, criteria and procedures promulgated in accordance with Section 24 (a)
9 hereof. The expenditures to be charged against the Fund shall include the fees for the
10 foreign lawyers to be hired by the Legal Assistant for Migrant Workers Affairs to
11 represent migrant workers facing charges or in filing cases against erring or abusive
12 employers abroad, bail bonds to secure the temporary releases and other litigation
13 expenses;

14 PROVIDED, THAT THE LEGAL ASSISTANCE FUND SHALL AT ALL
15 TIMES BE MADE AVAILABLE AT THE TIME OF THE ARREST OR
16 CHARGING ALL THE WAY TO THE TRIAL PROPER AND AT ALL LEVELS

1 OF APPEAL FOR MIGRANT WORKERS FACING CHARGES WITH THE
2 PRESCRIBED PENALTY OF LIFE IMPRISONMENT OR DEATH;

3
4 Provided, That at the end of every year, the Department of Foreign Affairs
5 shall include in its report to Congress, as provided for under Section 33 of this Act,
6 the status of the Legal Assistance Fund, including the expenditures from the said fund
7 duly audited by the Commission on Audit (COA);

8
9 Provided, further, That the hiring of foreign legal counsels, when
10 circumstances warrant urgent action, shall be exempt from the coverage of Republic
11 Act No. 9184 or the Government Procurement Act."

12
13 SECTION 2. Repealing Clause. -All laws, orders, issuances, rules and regulations or
14 part thereof inconsistent with the provisions of this Act are hereby repealed, amended or
15 modified accordingly.

16
17 SECTION 3. Effectivity Clause. -This Act shall take effect within fifteen (15) days
18 after its publication in the Official Gazette or in at least two (2) newspapers of general
19 circulation, whichever comes earlier.

20
21 Approved,