

**NINETEENTH CONGRESS OF THE** )  
**REPUBLIC OF THE PHILIPPINES** )  
First Regular Session )

23 JAN 16 P2:42

**SENATE**

RECEIVED BY: 

**S.B. No. 1678**

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Introduced by **SENATOR JOSEPH VICTOR G. EJERCITO**

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

**EXPLANATORY NOTE**

The establishment of the Department of Migrant Workers through the enactment of Republic Act No. 11641 (DMW Act) is envisioned to harmonize policies and guidelines for our modern-day heroes, our Overseas Filipino Workers (OFWs). Ultimately, this will ensure protection of the rights and promote the welfare of our OFWs.

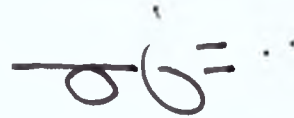
To guarantee the services and assistance for the protection of our OFWs, the DMW Act created a dedicated fund for them, the Agarang Kalinga at Saklolo para sa mga OFW na Nangangailangan (AKSYON) Fund. This fund is intended to provide legal, medical, financial, and other forms of assistance to OFWs.

In spite of the existence of the AKSYON fund, an OFW may also avail legal assistance from the Department of Foreign Affairs (DFA). However, the provisions of Republic Act No. 8042, as amended, limit the access of our OFWs in distress to avail the legal assistance services of the DFA. The restrictions imposed for the use of the legal assistance make it difficult for our OFWs in distress to utilize the fund.

In order to assure the accessibility and availability of government services for our OFWs, this proposed legislation seeks to remove the restrictions for the use of the legal assistance fund of the DFA. The enactment of this bill will expand the coverage of the Legal Assistance Fund. When enacted into law, the utilization of the Legal

Assistance Fund will be immediately available to our OFWs in distress in all stages of their legal proceedings – from the filing of complaint until the last level of appeal.

Although the State does not promote overseas employment as a means to economic growth and national development, it is our policy to afford full protection to our citizens wherever they may be. As such, to ensure that services protecting our OFWs are accessible, the passage of this bill is earnestly sought.



**SENATOR JOSEPH VICTOR G. EJERCITO**



1       **PROFICIENT IN LOCAL LAWS, RULES AND PROCEDURES, AND**  
2       **HAVE EXTENSIVE KNOWLEDGE ON THE CUSTOMS AND**  
3       **TRADITIONS OF THE FOREIGN COUNTRY WHERE SHE IS**  
4       **ASSIGNED AND/OR HIRED.**

5  
6       **THE LEGAL ASSISTANCE FUND SHALL, AT ALL TIMES, BE**  
7       **IMMEDIATELY AVAILABLE TO ALL MIGRANT WORKERS AND**  
8       **OVERSEAS FILIPINOS IN DISTRESS WHO INITIATE OR WHO IS**  
9       **IMPLEADED IN ANY TYPE OF CASE INITIATED IN THE FOREIGN**  
10       **POST, FROM THE TIME OF THE COMMENCEMENT OF THE**  
11       **COMPLAINT, ACTION OR SIMILAR PROCEEDING, AND IN ALL**  
12       **STAGES OF THE PROCEEDING UNTIL PROMULGATION AND**  
13       **EXECUTION OF JUDGMENT AND AT ALL LEVELS OF APPEAL.**

14  
15       ~~[Provided, That]~~ At the end of every year, the Department of Foreign  
16       Affairs shall include in its report to Congress, as provided for under  
17       Section 33 of this Act, the status of the Legal Assistance Fund, including  
18       the expenditures from the said fund duly audited by the Commission on  
19       Audit (COA): *Provided, [further,]* That the hiring of foreign legal  
20       counsels, when circumstances warrant urgent action, shall be exempt  
21       from the coverage of Republic Act No. 9184 or the Government  
22       Procurement Act."

23  
24       **SEC. 2. Implementing Rules and Regulations.** – Within sixty (60) days from the  
25       approval of this Act, the Department of Foreign Affairs, in consultation with the  
26       Department of Migrant Workers, Overseas Workers Welfare Administration, and other  
27       relevant government agencies and stakeholders, shall promulgate the implementing  
28       rules and regulations for the effective implementation of the provisions of this Act,  
29       and to ensure that the Legal Assistance Fund is immediately and at all times available  
30       to all migrant workers and Overseas Filipinos in distress in accordance with this Act.  
31       If practicable, the implementing rules and regulations may also authorize the  
32       Secretary of Foreign Affairs to delegate the authority to approve an expenditure  
33       chargeable to the Fund to the head of Post, subject to existing rules and regulations  
34       of the Commission on Audit (COA).

35  
36       **SEC. 3. Repealing Clause.** – All laws, orders, issuances, rules and regulations or  
37       part thereof inconsistent with the provisions of this Act are hereby repealed, amended  
38       or modified accordingly.

39  
40       **SEC. 4. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its  
41       publication in the *Official Gazette* or in at least two (2) newspapers of general  
42       circulation.

Approved,