

NINETEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES First Regular Session

23 JAN 16 P2:42 **RECEIVED B**

SENATE

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S.B. No. 1678

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, 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



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

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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 7 legal services to migrant workers and overseas Filipinos in distress in 8 accordance with the guidelines, criteria and procedures promulgated in accordance with Section 24(a) hereof. The expenditures to be charged 9 against the Fund shall include the fees for foreign lawyers to be hired by 10 the [Legal Assistant for Migrant Workers Affairs] HEAD OF MISSION 11 OF THE PHILIPPINE EMBASSY CONCERNED to represent migrant 12 workers **AND OVERSEAS FILIPINOS** facing charges or in filing cases 13 against erring or abusive employers AND OTHER OFFENDERS abroad, 14 IN OBTAINING bail bonds to secure the temporary release OF 15 **MIGRANT WORKERS AND OVERSEAS FILIPINOS IN DISTRESS,** 16 AND OTHER KINDS OF BONDS REQUIRED BY THE FOREIGN 17 COURT, AGENCY OR TRIBUNAL WHERE THE CASE IS PENDING, 18 19 and other litigation expenses.

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21 ADDITION, EXPENDITURES FOR THE HIRING IN OF 22 PARALEGALS IN ALL FOREIGN POSTS MAY ALSO BE CHARGED 23 AGAINST THE FUND. SUCH PARALEGALS SHALL PROVIDE PARALEGAL SUPPORT, LANGUAGE TRANSLATION AND OTHER 24 25 SERVICES TO OVERSEAS FILIPINOS AND MIGRANT WORKERS IN DISTRESS: PROVIDED, THAT SAID PARALEGAL SHALL BE 26

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

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 POST, FROM THE TIME OF THE COMMENCEMENT OF THE 10 11 COMPLAINT, ACTION OR SIMILAR PROCEEDING, AND IN ALL STAGES OF THE PROCEEDING UNTIL PROMULGATION AND 12 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).

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part thereof inconsistent with the provisions of this Act are hereby repealed, amended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

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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,