

**FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)**

OFFICE OF THE CLERK

SENATE

COMMITTEE REPORT NO. 506

9 MAY 27 P6.26

Submitted jointly by the Committees on Labor, Employment and Human Resources Development, Foreign Relations and Finance on
MAY 27 2009

RE : S. B. No. 3286 prepared by the Committees.

Recommending its approval in substitution of S. B. Nos. 54, 149, 154, 1879, 2231, 2288, 2698, 3040, 3168 and 3180.

Sponsor : Senator J. Ejercito Estrada

MR. PRESIDENT:

The Senate Committee on Labor, Employment and Human Resources Development joint with the Committees on Foreign Relations, and Finance to which were referred S. B. No. 54 introduced by Senator Lapid, *entitled*:

**“AN ACT
PROVIDING RETIREMENT, INSURANCE, HEALTH, AND
EDUCATIONAL BENEFITS TO OVERSEAS CONTRACT WORKERS
(OCWS) AND THEIR BENEFICIARIES AMENDING FOR THE
PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8042
OTHERWISE KNOWN AS ‘MIGRANT WORKERS AND OVERSEAS
FILIPINO ACT OF 1995’ AND FOR OTHER PURPOSES”**

Senate Bill No. 149, introduced by Senator Gordon, *entitled*

**“AN ACT
AMENDING REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS
THE MIGRANT WORKERS AND OVERSEAS FILIPINO ACT OF
1995”**

Senate Bill No. 154, introduced by Senator Ejercito Estrada, *entitled*

**“AN ACT
AMENDING REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS
THE MIGRANT WORKERS AND OVERSEAS FILIPINO ACT OF
1995, FURTHER IMPROVING THE HIGHER STANDARDS OF
PROTECTION AND PROMOTION OF THE WELFARE OF
MIGRANT WORKERS, THEIR FAMILIES AND OVERSEAS
FILIPINOS IN DISTRESS, AND FOR OTHER PURPOSES”**

Senate Bill No. 1879, introduced by Senator Villar, *entitled*

**“AN ACT
IMPOSING PENALTIES ON PHILIPPINE CONSULAR OFFICIALS
AND OTHER GOVERNMENT FAILURE TO ACT ON COMPLAINTS
OF, GIVE ASSISTANCE TO OR RENDER SERVICES TO MIGRANT
WORKERS, THEIR FAMILIES AND OVERSEAS FILIPINOS IN
DISTRESS AMENDING FOR THE PURPOSE THE MIGRANT
WORKERS AND OVERSEAS FILIPINO ACT OF 1995”**

Senate Bill No. 2231, introduced by Senator Villar, *entitled*

**“AN ACT
PROVIDING AN ASSISTANCE PROGRAM FOR OVERSEAS
FILIPINO WORKERS IN DISTRESS, BOTH DOCUMENTED AND
UNDOCUMENTED, PROVIDING FUNDS THEREFOR AND FOR
OTHER PURPOSES”**

Senate Bill No. 2288, introduced by Senator Villar, *entitled*

**“AN ACT
PROVIDING FOR THE AUTOMATIC REVOCATION OR
CANCELLATION OF THE LICENSE OF A PLACEMENT OR
RECRUITMENT AGENCY WHICH RECRUITED OR DEPLOYED AN
UNDERAGE MIGRANT WORKER AND THE MANDATORY
REFUND OF ALL FEES PAID BY REPATRIATED MINOR OFWS,
AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF
REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE
MIGRANT WORKERS AND OVERSEAS FILIPINO ACT OF 1995”**

Senate Bill No. 2698, introduced by Senator Villar, *entitled*

**“AN ACT
TO PROVIDE A MANDATORY EMPLOYERS' INSURANCE FOR ALL
LEGALLY EMPLOYED OVERSEAS FILIPINO WORKERS,
PROVIDING MECHANISMS THEREFOR AND FOR OTHER
PURPOSES”**

Senate Bill No. 3040, introduced by Senator Villar, *entitled*

**“AN ACT
PROVIDING COMPULSORY WELFARE INSURANCE PROGRAM
FOR ALL OVERSEAS CONTRACT WORKERS”**

Senate Bill No. 3168, introduced by Senator Revilla, *entitled*

**“AN ACT
IMPROVING THE STANDARDS OF PROTECTION AND
ASSISTANCE FOR MIGRANT WORKERS, AMENDING FOR THIS
PURPOSE REPUBLIC ACT NO.8042, OTHERWISE KNOWN AS THE
MIGRANT WORKERS AND OVERSEAS FILIPINO ACT OF 1995”**

Senate Bill No. 3180, introduced by Senator Villar, *entitled*

**“AN ACT
IMPROVING THE STANDARDS OF PROTECTION AND
ASSISTANCE FOR MIGRANT WORKERS, AMENDING FOR THIS
PURPOSE REPUBLIC ACT NO.8042, OTHERWISE KNOWN AS THE
MIGRANT WORKERS AND OVERSEAS FILIPINO ACT OF 1995”**

taking into consideration H. B. No. 5649, introduced by Representatives Zamora, M., Gatchalian, Pingoy, et al., *entitled*

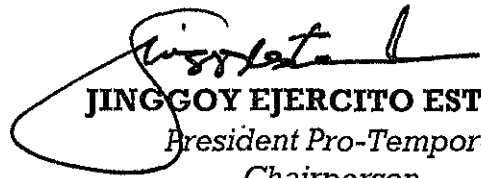
**“AN ACT
IMPROVING THE STANDARDS OF PROTECTION AND
ASSISTANCE FOR MIGRANT WORKERS, AMENDING FOR THIS
PURPOSE REPUBLIC ACT NO.8042, OTHERWISE KNOWN AS THE
MIGRANT WORKERS AND OVERSEAS FILIPINO ACT OF 1995”**

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached **S. B. No. 3286** prepared by the Committees, *entitled*:


**“AN ACT
AMENDING REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS
THE MIGRANT WORKERS ACT OF 1995, AS AMENDED, FURTHER
IMPROVING THE STANDARD OF PROTECTION AND
PROMOTION OF THE WELFARE OF MIGRANT WORKERS, THEIR
FAMILIES AND OVERSEAS FILIPINO WORKERS IN DISTRESS,
AND FOR OTHER PURPOSES”**


be approved with Senators Lapid, Gordon, Ejercito Estrada, Villar, Revilla, Santiago and Angara as authors thereof.

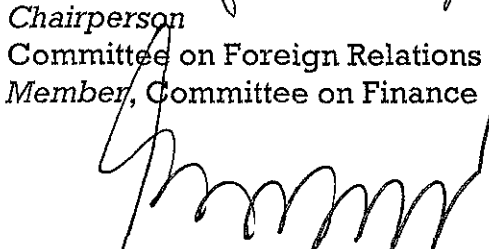
Respectfully submitted:



JINGGOY EJERCITO ESTRADA
President Pro-Tempore
Chairperson

Committee on Labor Employment and Human Resources Development
Ex Officio Member, Committee on Finance


MIRIAM DEFENSOR SANTIAGO
Chairperson
Committee on Foreign Relations
Member, Committee on Finance


EDGARDO J. ANGARA
Chairperson
Committee on Finance


GREGORIO B. HONASAN II
Vice-Chairperson
Committee on Finance
Member, Committee on Labor,
Employment & Human Resources
Development & Foreign Relations


JOKER P. ARROYO
Vice-Chairperson
Committee on Finance

MEMBERS:

PIA S. CAYETANO

Committees on Labor, Employment
& Human Resources Development
Relations *and* Finance

ALAN PETER "Compañero" S. CAYETANO

Committees on Labor, Employment &
Human Resources Development, Foreign
Foreign Relations *and* Finance



FRANCIS "Chiz" G. ESCUDERO

Committees on Labor, Employment &
Human Resources Development

PANFILO M. LACSON

Committees on Labor, Employment
& Human Resources Development
Foreign Relations & Finance

MANUEL "Lito" M. LAPID

Committees on Labor, Employment
& Human Resources Development
Foreign Relations *and* Finance

RAMON "Bong" REVILLA, JR.

Committees on Labor, Employment
& Human Resources Development
Committee on Finance

RODOLFO G. BIAZON

Committees on Labor, Employment
& Human Resources Development
Foreign Relations and Finance

LOREN B. LEGARDA

Committees on Labor, Employment &
Human Resources Development
Foreign Relations & Finance

RICHARD "Dick" J. GORDON

Committees on Labor, Employment
& Human Resources Development
Foreign Relations *and* Finance

M. A. MADRIGAL

Committees on Labor, Employment &
Human Resources Development
Foreign Relations *and* Finance

MAR A. ROXAS

Committees on Foreign Relations
& Finance

ANTONIO "SONNY" F. TRILLANES IV

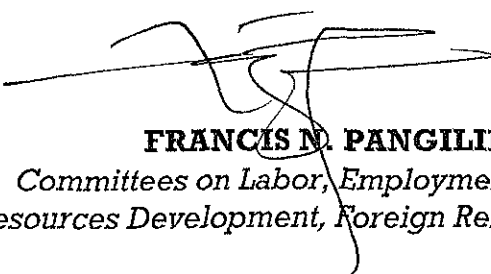
Committees on Finance

MANNY VILLAR

Committees Foreign Relations
& Finance

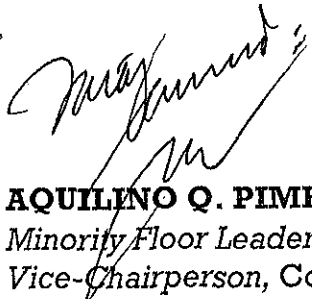
BENIGNO "Noy" S. AQUINO, III

Committee on Finance



FRANCIS N. PANGILINAN
*Committees on Labor, Employment and Human
Resources Development, Foreign Relations & Finance*

EX-OFFICIO MEMBERS:



AQUILINO Q. PIMENTEL, JR.
*Minority Floor Leader
Vice-Chairperson, Committee on
Foreign Relations*



JUAN MIGUEL F. ZUBIRI
Majority Floor Leader

JUAN PONCE ENRILE
*Senate President
Pasay City*

SENATE

S.B. No. 3286

9 MAY 27 P6:27

Prepared by the Committees on Labor, Employment and Human Resources, Development, Foreign Relations and Finance with Senators Leopoldo Gordon, Ejerom Estrada, Villar, Revilla, Santiago and Angara as authors thereof

AN ACT

AMENDING REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE MIGRANT WORKERS ACT OF 1995, AS AMENDED, FURTHER IMPROVING THE STANDARD OF PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS, THEIR FAMILIES AND OVERSEAS FILIPINOS IN DISTRESS, AND FOR OTHER PURPOSES

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

1 **SEC. 1. Short Title.** - This Act shall be known and cited as the "Migrant
2 *Workers and Overseas Filipinos Act of 2009*".

3 **SEC. 2. Declaration of Policies.** – (a) In the pursuit of an independent foreign
4 policy and while considering national sovereignty, territorial integrity, national
5 interest and the right to self-determination paramount in its relations with other States,
6 the State shall, at all times, uphold the dignity of its citizens whether in the country or
7 overseas, in general, and Filipino migrant workers, in particular, **CONTINUOUSLY**
8 **MONITOR INTERNATIONAL CONVENTIONS, ADOPT/BE SIGNATORY**
9 **TO AND RATIFY THOSE THAT GUARANTEE PROTECTION TO OUR**
10 **MIGRANT WORKERS, AND ENDEAVOR TO ENTER INTO BILATERAL**
11 **AGREEMENTS WITH COUNTRIES HOSTING OFWs.**

12 (b) The State shall afford full protection to labor, local and overseas, organized and
13 unorganized, and promote full employment and equality of employment opportunities
14 for all. Towards this end, the State shall provide adequate and timely social, economic
15 and legal services to Filipino migrant workers.

1 (c) While recognizing the significant contribution of Filipino migrant workers to the
2 national economy through their foreign exchange remittances, the State does not
3 promote overseas employment as a means to sustain economic growth and achieve
4 national development. The existence of the overseas employment program rests solely
5 on the assurance that the dignity and fundamental human rights and freedoms of the
6 Filipino citizen shall not, at any time, be compromised or violated. The State
7 therefore, shall continuously create local employment opportunities and promote the
8 equitable distribution of wealth and the benefits of development.

9 (d) The State affirms the fundamental equality before the law of women and men and
10 the significant role of women in nation building. Recognizing the contribution of
11 overseas migrant workers and their particular vulnerabilities, the State shall apply
12 gender sensitive criteria in the formulation and implementation of policies and
13 programs affecting migrant workers and the composition of bodies tasked for the
14 welfare of the migrant workers.

15 (e) Free access to the courts and the quasi-judicial bodies and adequate legal
16 assistance shall not be denied to any person by reason of poverty. In this regard, it is
17 imperative that an effective mechanism be instituted to ensure that the rights and
18 interest of distressed overseas Filipinos in general, and **REGULAR OR**
19 **IRREGULAR** Filipino migrant workers, in particular, documented or undocumented,
20 are adequately protected and safeguarded.

21 (f) The right of Filipino migrant workers and all overseas Filipinos to participate in
22 the democratic decision-making process of the State and to be represented in
23 institutions relevant to overseas employment is recognized and guaranteed.

24 (g) The State recognizes that the **MOST EFFECTIVE TOOL FOR**
25 **EMPOWERMENT IS POSSESSION OF SKILLS BY** [ultimate protection to all]
26 migrant workers. [is the possession of skills]. Pursuant to this [and as soon as
27 practicable], the government shall [deploy and/or allow the deployment only to skilled
28 Filipino workers] **PROVIDE FREE AND ACCESSIBLE SKILLS**
29 **DEVELOPMENT AND ENHANCEMENT PROGRAMS.**

1 (h) **THE STATE RECOGNIZES** Non-governmental organizations, **TRADE**
2 **UNIONS, ASSOCIATIONS, STAKEHOLDERS AND OTHER ENTITIES**
3 duly recognized as legitimate, are partners of the State in the protection of Filipino
4 migrant workers and in the promotion of their welfare. The State shall cooperate with
5 them in the spirit of trust and mutual respect. **THE SIGNIFICANT**
6 **CONTRIBUTIONS OF THE RECRUITMENT AND MANNING AGENCIES**
7 **SHALL FORM PART OF THIS PARTNERSHIP.**

8 (i) Government fees and other administrative costs of recruitment, introduction,
9 placement and assistance to migrant workers shall be rendered free without prejudice
10 to the provision of Section 36 hereof.

11 [Nonetheless, the deployment of Filipino overseas workers, whether land-based or
12 sea-based by local service contractor and manning agencies employing them shall be
13 encouraged. Appropriate incentives may be extended to them.]

14 Section 3. Section 3 of RA No. 8042 is hereby amended to read as follows:

15 **“SEC. 3. Definitions.** – For purpose of this Act:

16 (a) [“Migrant worker”] **“OVERSEAS FILIPINO WORKER”** refers to a person
17 who is to be engaged, is engaged or has been engaged in a remunerated activity in a
18 state of which he or she is not a legal resident. **OR ON BOARD A VESSEL**
19 **ENGAGED IN INTERNATIONAL TRADE;** to be used interchangeably with
20 [overseas Filipino worker] **MIGRANT WORKERS.**

21 (b) **“Gender-sensitivity”** shall mean cognizance of the inequalities and inequities
22 prevalent in society between women and men and a commitment to address issues
23 with concern for the respective interest in the sexes.

24 (c) **“Overseas Filipinos”** refers to dependents of migrant workers and other Filipino
25 nationals abroad who are in distress as mentioned in Sections 24 and 26 of this Act

26 (d) **PERIOD OF DEPLOYMENT-** REFERS TO THE PERIOD FROM THE

1 **SIGNING OF THE CONTRACT FOR OVERSEAS EMPLOYMENT UP TO**
2 **THE DATE OF THE ACTUAL DEPARTURE OF THE OVERSEAS FILIPINO**
3 **WORKER FROM THE PHILIPPINES.**

4

5 **(e) COMMENCEMENT OF EMPLOYMENT- REFERS TO THE DATE OF**
6 **THE ACTUAL DEPARTURE OF THE OVERSEAS FILIPINO WORKER**
7 **FROM THE PHILIPPINES FOR THE COUNTRY OF WORK.**

8 **(f) TRAFFICKING OF PERSONS SHALL MEAN THE RECRUITMENT,**
9 **TRANSPORTATION, TRANSFER, HARBORING OR RECEIPT OF**
10 **PERSONS, BY MEANS OF VIOLENCE, COERCION, DECEPTION OR**
11 **ABUSE OF AUTHORITY FOR PURPOSES OF EXPLOITATION.**

12 **(g) EXPLOITATION SHALL INCLUDE AT THE MINIMUM, ALL FORMS**
13 **OF SEXUAL EXPLOITATION, FORCED LABOR OR SERVICES, SLAVERY**
14 **OR PRACTICES SIMILAR TO SLAVERY OR INVOLUNTARY**
15 **SERVITUDE.**

16 Section 4. Section 4 of R. A. 8042 is hereby amended to read as follows:

17

18 **“SEC. 4. *Deployment of Migrant Workers.* – The State shall [deploy]**
19 **ALLOW DEPLOYMENT OF** overseas Filipino workers only in countries where the
20 rights of Filipino migrant workers are protected. The government recognizes any of
21 the following as a guarantee on the part of the receiving country for the protection and
22 the rights of overseas Filipino workers:

23 (a) It has existing labor and social laws protecting the rights of migrant workers;

24 (b) It is a signatory to multilateral conventions, declarations or resolutions relating to
25 the protection of migrant workers;

26 (c) It has concluded a bilateral agreement or arrangement with the government
27 protecting the rights as overseas Filipino workers[; and

1 (d) It is taking positive, concrete measures to protect the rights of migrant workers.]

2 “IN THE ABSENCE OF A CLEAR SHOWING THAT ANY OF THE
3 GUARANTEES ENUMERATED UNDER THIS ACT EXIST IN THE
4 COUNTRY OF DESTINATION OF THE MIGRANT WORKERS, OR IF THE
5 DEPARTMENT OF FOREIGN AFFAIRS AND THE DEPARTMENT OF
6 LABOR AND EMPLOYMENT FAILED TO REPORT TO CONGRESS THE
7 INFORMATION REQUIRED UNDER SECTION 33 OF THIS ACT, IT
8 SHALL BE UNLAWFUL FOR ANY OFFICIAL OR EMPLOYEE OF THE
9 DEPARTMENT OF LABOR AND EMPLOYMENT TO ISSUE THE
10 NECESSARY PERMIT FOR THE DEPLOYMENT OF MIGRANT
11 WORKERS.”

12 THE OFFICIAL OR EMPLOYEE OF THE GOVERNMENT WHO
13 WILFULLY AND GROSSLY VIOLATES THE PROVISION OF THE
14 IMMEDIATELY PRECEDING PARAGRAPH SHALL BY SUBSTANTIAL
15 EVIDENCE IN A PROPER ADMINISTRATIVE PROCEEDING, BE
16 REMOVED OR DISMISSED FROM SERVICE WITH DISQUALIFICATION
17 TO HOLD ANY APPROPRIATE FOR FIVE (5) YEARS” EEA FURTHER, THE
18 STATE SHALL ALLOW THE DEPLOYMENT OF OVERSEAS FILIPINO
19 WORKERS WHO ARE INTERNATIONAL SEAFARERS ONLY TO
20 INTERNATIONAL SEA-GOING VESSELS WHICH ARE COMPLYING
21 WITH INTERNATIONAL LAWS AND STANDARDS.

22 “SEC. 5. *Termination or Ban in Deployment*- Notwithstanding the provisions
23 of Section 4 hereof, the government, in pursuit of the national interest or when public
24 welfare so requires, may, at any time, terminate or impose a ban on the deployment of
25 migrant workers.

26 Section 6. Section 6 of RA No. 8042 is hereby amended to read as follows.

27 “SEC. 6. *Definition*. – For purposes of this Act, illegal recruitment shall
28 mean:

1 (1) any act of canvassing, enlisting, contracting, transporting, utilizing, hiring,
2 or
3 procuring workers and includes referring, contract services, promising or advertising
4 for employment abroad, **OR ON BOARD INTERNATIONAL SEA-GOING**
5 **VESSEL/S** whether for profit or not, when under-taken by a non license or holder of
6 authority contemplated under article 13 (f) of Presidential Decree No. 442, as
7 amended, otherwise known as the Labor Code of the Philippines: Provided, That any
8 such non-licensee or non-holder who, in any manner, offers or promises for a fee
9 abroad **OR ON BOARD INTERNATIONAL SEA-GOING VESSEL/S** to two or
10 more persons shall be deemed so engaged.

11 (2) It shall likewise include any of the following acts, whether committed by
12 any person, whether a non-licensee, non-holder, licensee or holder of
13 authority:

14 (a) To charge or accept directly or indirectly any amount greater than that specified in
15 the schedule of allowable fees prescribed by the Secretary of the Labor and
16 Employment, or to make a worker pay any amount greater than that actually received
17 by him as a loan or advance; **OR TO MAKE THE WORKER ISSUE**
18 **POSTDATED CHECKS IN RELATION TO THE RECRUITMENT;**

19 (b) To furnish or publish any false notice or information or document in relation to
20 recruitment or employment;

21 (c) To give any false notice testimony, information, document, or commit any act of
22 misrepresentation for the purpose of securing a license or authority under the Labor
23 Code;

24 (d) To induce or attempt to induce a worker already employed to quit his employment
25 in order to offer him another unless the transfer is designed to liberate a worker from
26 oppressive terms and conditions of employment;

27 (e) To influence or attempt to influence any person or entity not to employ any worker
28 who has not applied for employment to his agency [;], **OR WHO FORMS, JOINS,**

1 **OR SUPPORTS, OR HAS CONTACTED OR IS SUPPORTED BY ANY**
2 **UNION OR WORKERS' ORGANIZATION;**

3 (f) To engage in the recruitment or placement of workers in jobs harmful to public
4 health or morality or to the dignity of the Republic of the Philippines;

5 (g) To obstruct or attempt to obstruct inspection by the Secretary of Labor and
6 Employment or by his duly authorized representative;

7 (h) To fail to submit reports on the status of employment, placement vacancies,
8 remittance of foreign exchange earnings, separation from the jobs, departures and
9 such other matters or information as may be required by the Secretary of Labor and
10 Employment;

11 (i) To substitute or alter to the prejudice of the worker, employment contracts
12 approved and verified by the Department of Labor and Employment from the time of
13 actual signing thereof by the parties up to and including the period of the expiration of
14 the same without the approval of the Department of Labor and Employment;

15 (j) For an officer or agent of a recruitment or placement agency to become an officer
16 or member of the Board of any corporation engaged in travel agency or to be engaged
17 directly or indirectly in the management of a travel agency;

18 (k) To withhold or deny travel documents from applicant workers before departure for
19 monetary or financial considerations, **OR FOR ANY OTHER REASON** other than
20 those authorized under the Labor Code and its implementing rules and regulations;

21 (l) Failure to actually deploy without valid reasons [as determined by the Department
22 of Labor and Employment]; and

23 (m) Failure to reimburse expenses incurred by the worker in connection with his
24 documentation and processing for purposes of deployment, in cases where the
25 deployment does not actually take place without the worker's fault.

1 **(N) TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN**
2 **CAN BE FILED SIMULTANEOUSLY WITH** Illegal recruitment when committed
3 by a syndicate or in a large scale shall be considered an offense involving economic
4 sabotage.

5 Illegal recruitment is deemed committed by a syndicate if carried out by a group of
6 three (3) or more persons conspiring or confederating with one another. It is deemed
7 committed in large scale if committed against three (3) or more persons individually
8 or as a group.

9 The persons criminally liable for the above offenses are the principals, accomplices
10 and accessories. In the case of juridical persons, the officers having control,
11 management or direction of their business shall be liable.

12 Section 7. Section 7 of R. A. No. 8042 is hereby amended to read as follows:

13 **“Section. 7. Penalties. – (a) Any person WITH A LICENSE OR**
14 **AUTHORITY** found guilty of illegal recruitment shall suffer the penalty of
15 imprisonment of not less than six (6) years and one (1) day but not more than twelve
16 (12) years and a fine of not less than Two hundred thousand pesos (P200,000.00) nor
17 more than Five hundred thousand pesos (P500,000.00). **CONVICTION SHALL**
18 **CAUSE AND CARRY THE AUTHOMATIC REVOCATION OF THE**
19 **LICENSE OR AUTHORITY AND ALL PERMITS AND PRIVILEGES**
20 **GRANTED TO SUCH PERSON OR ENTITY (b) ANY PERSON WITHOUT**
21 **LICENSE OR AUTHORITY FOUND GUILTY OF ILLEGAL**
22 **RECRUITMENT SHALL SUFFER THE PENALTY OF IMPRISONMENT**
23 **FOR NOT LESS THAN TWELVE (12) YEARS AND A FINE OF NOT LESS**
24 **THAN FIVE HUNDRED THOUSAND PESOS (5000,000.00) NOR MORE**
25 **THAN FIVE MILLION PESOS (5,000.000.00) [b] (c) The penalty of life**
26 imprisonment and a fine of not less than Five hundred thousand pesos (500,000.00)
27 nor more than One million pesos (P1, 000,000.00) shall be imposed if illegal
28 recruitment constitutes an economic sabotage as defined herein.

1 Provided, However, That the maximum penalty shall be imposed if the person
2 illegally recruited is less than eighteen (18) years of age or committed **FOR**
3 **TRAFFICKING OF PERSONS OR** [by a non-licensee or non-holder of authority].
4 **(d) IF THE OFFENDER IS A JURIDICAL ENTITY, THE PENALTY SHALL**
5 **BE IMPOSED UPON THE PRESIDENT, GENERAL MANAGER AND ANY**
6 **RESPONSIBLE OFFICER THEREOF. IF THE OFFENDER IS AN ALIEN,**
7 **HE SHALL, IN ADDITION TO THE PENALTIES HEREIN PRESCRIBED,**
8 **BE DEPORTED WITHOUT FURTHER PROCEEDINGS.”**

9
10 **SEC. 8. Prohibition on Officials and Employees.** – It shall be unlawful for
11 any official or employee of the Department of Labor and Employment, the Philippine
12 Overseas Employment Administration (POEA), or the Overseas Workers Welfare
13 Administration (OWWA), or the Department of Foreign Affairs, or other government
14 agencies involved in the implementation of this Act, or their relatives within the
15 fourth civil degree of consanguinity or affinity, to engage, directly or indirectly, in the
16 business of recruiting migrant workers as defined in this Act. The penalties provided
17 in the immediate preceding paragraph shall be imposed upon them.

18 **SEC. 9. Venue.** – A criminal action arising from illegal recruitment as defined
19 herein shall be filed with the Regional Trial Court of the province or the city where
20 the offense was committed or where the offended party actually resides at the time of
21 the commission of the offense: Provided that the court where the criminal action is
22 first filed shall acquire jurisdiction to the exclusion of other courts: Provided,
23 however, that the aforestated provisions shall apply to those criminal actions that have
24 already been filed in the court at the time of the effectivity of this Act.

25 Section 10. Section 10 of RA No. 8402 is hereby amended to read as follows:

26 **SEC. 10. Money claims.** Notwithstanding any provision of law to the
27 contrary, the Labor Arbiters of the National Labor Relations Commission (NLRC)
28 shall have the original and exclusive jurisdiction to hear and decide, within **ONE**
29 **HUNDRED AND TWENTY (120)** [ninety (90)] calendar days after the filing of the
30 complaint, the claim arising out of the employer-employee relationship or by virtue of
31 any law or contract involving Filipino workers for overseas deployment, **WHETHER**

1 **RECRUITED /DEPLOYED BY LICENSED/UNLICENSED AGENCIES OR**
2 **INDIVIDUAL S OR BY THE POEA** including claims for actual, moral, and
3 exemplary and other forms of damages.

4 The liability of the principal/employer and the recruitment/placement agency for any
5 and all claims under this Section shall be joint and several. This provision shall be
6 incorporated in the contract for overseas employment and shall be a condition
7 precedent for its approval. The performance bond to be filed by the
8 recruitment/placement agency as provided by law, shall be answerable to all money
9 claims or damages that may be awarded to the workers. If the recruitment/placement
10 agency is a juridical being, the corporate officers and directors and partners as the
11 case may be, shall themselves be jointly and solidarily liable with the corporation or
12 partnership for the aforesaid claims and damages. **ANY AGENCY WHO**
13 **ASSUMES THIS LIABILITY SHALL LIKEWISE BE JOINT AND**
14 **SOLIDARILY LIABLE TO THE SAID CLAIMS OF THE OFW.**

15 Such liabilities shall continue during the entire period or duration of the employment
16 contract and shall not be affected by any substitution, amendment or modification
17 made locally or in foreign country of the said contract.

18 Any compromise/amicable settlement or voluntary agreement on money claims
19 inclusive of damages under this Section shall be paid within [four (4)] ONE (1)
20 month[s] from the approval of the settlement by the appropriate authority.

21 A new Section 10-A of Republic Act 8042 is hereby added to read as follows:

22 **SEC. 10-A COMPULSORY LIABILITY INSURANCE FOR EVERY**
23 **WORKER-IN ADDITION TO THE PERFORMANCE BOND TO BE FILED**
24 **BY THE PLACEMENT/RECRUITMENT AGENCY UNDER SECTION 10,**
25 **EACH WORKER DEPLOYED/PROCESSED BY A LICENSED**
26 **RECRUITMENT/PLACEMENT AGENCY AND THE POEA SHALL BE**
27 **COVERED BY A COMPULSORY EMPLOYMENT LIABILITY INSURANCE**
28 **WHICH SHALL BE ANSWERABLE FOR MONEY CLAIMS OR DAMAGES**
29 **THAT MAYBE AWARDED OR GIVEN TO THE WORKER IN A**
30 **JUDGMENT OR SETTLEMENT OF HIS/HER CASE. SUCH INSURANCE**
31 **COVERAGE SHALL BE SECURED AT NO COST OF THE WORKERS.**

1 **THE INSURANCE COVERAGE PER WORKER SHALL BE**
2 **EQUIVALENT TO THREE (3) MONTHS OF THE WORKERS SALARY FOR**
3 **EVERY YEAR OF CONTRACT. ONLY REPUTABLE PRIVATE**
4 **INSURANCE COMPANIES REGISTERED WITH THE INSURANCE**
5 **COMMISSION (IC) DULY INDORSED BY A RECOGNIZED ASSOCIATION**
6 **OF RECRUITMENT/PLACEMENT AGENCIES AND IN EXISTENCE FOR**
7 **AT LEAST FIVE(5) YEARS PRIOR TO THE PROMULGATION OF THIS**
8 **ACT.SHALL BE QUALIFIED TO PROVIDE FOR THE INSURANCE**
9 **COVERAGE.**

10 **THE SUBMISSION OF CERTIFICATE OF INSURANCE SHALL**
11 **BE REQUIRED BY THE POEA FOR THE PROCESSING OF THE**
12 **CONTRACTS OF THE WORKERS, INCLUDING RE-HIRES AND DIRECT**
13 **HIRES WHO ARE ALLOWED BY LAWS.”**

14 In case of termination of overseas employment without just, valid or authorized cause
15 as defined by law or contract, the workers shall be entitled to the full reimbursement
16 of his placement fee with interest of twelve percent (12%) per annum, **COMPUTED**
17 **FROM THE DATE THE CONTRACT WAS ILLEGALLY TERMINATED,**
18 plus his salaries for the unexpired portion of his employment contract or for three (3)
19 months for every year of the unexpired term, whichever is less.

20 Noncompliance with the mandatory periods for resolution of cases provided in this
21 section shall subject the responsible officials to any or all of the following penalties:

22 (a) The salary of any such official who fails to render his decision or resolution within
23 the prescribed period shall be, or caused to be, withheld until the said official
24 complies therewith;

25 (b) Suspension for not more than ninety (90) days; or

26 (c) Dismissal from the service with disqualification to hold any appointive public
27 office for five (5) years.

1 (d) Provided, however, That the penalties herein provided shall be without prejudice
2 to any liability which any such official may have incurred under other existing laws or
3 rules and regulations as a consequence of violating the provisions of this paragraph.

4 Section 11. Section 11 is hereby amended as follows:

5 **“SEC. 11. *Mandatory Periods for Resolution of Illegal Recruitment Cases.* –**

6 The preliminary investigations of cases under this Act shall be terminated within a
7 period of thirty (30) calendar days from the date of their filing. Where the preliminary
8 investigation is conducted by a prosecution officer and a prima facie case is
9 established, the corresponding information shall be filed in court within twenty-four
10 (24) hours from the termination of the investigation. If the preliminary investigation is
11 conducted by a judge and a prima facie case is found to exist, the corresponding
12 information shall be filed with the proper prosecution officer within forty-eight (48)
13 hours from the date of the receipt of the records of the case.

14 **FOR THIS PURPOSE, THE PROSECUTION OFFICER SHALL MEAN**
15 **THE PROSECUTION ATTORNEYS OF THE ANTI-ILLEGAL**
16 **RECRUITMENT BRANCH OF THE POEA WHO SHALL HAVE THE SAME**
17 **RANK, SALARY AND PRIVILEGES AS THAT OF THE PROSECUTION**
18 **OFFICERS OF THE DEPARTMENT OF JUSTICE.**

19 Section 12. Section 12 of R. A. 8042 is hereby amended as follows:

20 **“SECTION 12. *Prescriptive Periods.* –** Illegal recruitment cases under this
21 Act shall prescribe in five (5) years: Provided, however, That illegal recruitment cases
22 involving economic sabotage as defined herein, **INVOLVING UNDER-AGE**
23 **OFWs AND ILLEGAL RECRUITMENT THROUGH TRAFFICKING OF**
24 **PERSONS** shall prescribe in twenty (20) years.

25 Section 13. Section 13 of R. A. 8042 is hereby amended to read as follows:

26 **SEC 13. *Free legal assistance; Preferential Entitlement Under the Witness***
27 ***Protection Program.* –**A mechanism for free legal assistance for victims of illegal

1 recruitment shall be established **IN THE ANTI-ILLEGAL BRANCH OF THE**
2 **PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION (POEA)**
3 [within the Department of Labor and Employment] including its regional offices.
4 Such mechanism **SHALL** [must] include coordination and cooperation with the
5 Department of Justice, the Integrated Bar of the Philippines, and other non-
6 governmental organizations and volunteer groups.

7 The provisions of republic Act 6981 to the contrary notwithstanding any person who
8 is a victim of illegal recruitment shall be entitled to the Witness Protection Program
9 provided there under.

10 **SEC. 14. *Travel Advisory/Information Dissemination.*** – To give utmost
11 priority to the establishments of programs and services to prevent illegal recruitment,
12 fraud and exploitation or abuse of Filipino migrant workers, all embassies and
13 consular offices, through the Philippine Overseas Employment Administration
14 (POEA), shall issue travel advisories or disseminate information on labor and
15 employment conditions, migration realities and other facts; and adherence of
16 particular countries to international standards on human workers' rights which will
17 adequately prepare individuals into making informed and intelligent decisions about
18 overseas employment. Such advisory or information shall be published in a
19 newspaper of general circulation at least three (3) times in every quarter.

20 Section 15. Section 15 of RA No. 8042 is hereby amended as follows:

21 **“Section. 15. *Repatriation of Workers; Emergency Repatriation Fund.*** – The
22 repatriation of the worker and the transport of his personal belongings shall be the
23 primary responsibility of the agency, which recruited or deployed the worker
24 overseas. All costs attendant to repatriation shall be borne by or charged to the agency
25 concerned and/or its principal. Likewise, the repatriation of remains and transport of
26 personal belongings of a deceased worker and all costs attendant thereto shall be
27 borne by the principal and/or the local agency; **FURTHER, IN CASE**
28 **REPATRIATION IS DELAYED DUE TO NO FAULT OF THE MIGRANT**
29 **WORKER, THE PRINCIPAL AND/OR LOCAL AGENCY SHALL PAY FOR**
30 **THE BASIC NEEDS SUCH AS FOOD AND SHELTER OF THE WORKER**

1 **WHILE ABROAD;** However, in cases where the termination of employment is due
2 solely to the fault of the worker, the principal/employer or agency shall not in any
3 manner be responsible for the repatriation of the former and/or his belongings.

4 The Overseas Workers Welfare Administration (OWWA), in cooperation with
5 appropriate international agencies, shall undertake the repatriation of the workers in
6 cases of war, epidemic, disasters or calamities, natural or manmade, and other similar
7 events without prejudice to reimbursement by the responsible principal or agency.
8 However, in the cases where the principal or recruitment agency cannot be identified,
9 all costs attendant to repatriation shall be borne by the [OWWA] **EMERGENCY**
10 **REPATRIATION FUND.**

11 For this purpose, there is hereby created and established an emergency repatriation
12 fund under the administration, control and supervision of OWWA, initially to consist
13 of One Hundred Million Pesos **IN ADDITION TO THE OBLIGATION TO**
14 **REPATRIATE ITS WORKERS, THE RECRUITMENT AGENCY SHALL**
15 **CONTRIBUTE AN AMOUNT TO BE DETERMINE D BY OWWA OF NOT**
16 **LESS THAN FIFTY DOLLARS (US\$50) BUT NOT MORE THAN ONE**
17 **HUNDRED (US\$100) FOR EVERY WORKER RECRUITED OR DEPLOYED**
18 **OVERSEAS TO OWWAS EMERGENCY REPATRIATION FUND.”** P100,
19 000,000.00), which shall be taken from the existing fund controlled and administered
20 by the OWWA. Thereafter, such fund shall be provided for in the General
21 Appropriations Act from year to year; Provided, that the amount provided shall in no
22 case be less than One Hundred Million Pesos (P100, 000,000.00), inclusive of
23 outstanding balances.

24 **SEC. 16. Mandatory Repatriation of Underage Migrant Workers,** - Upon
25 discovery or being informed of the presence of migrant worker whose actual age fall
26 below the minimum age requirement for overseas deployment, the responsible
27 officers in the foreign service shall without delay repatriate said workers and advice
28 the Department of Foreign Affairs through the fastest means of communication
29 available of such discovery and other relevant information.

1 “THE LICENSE OF RECRUITMENT OR PLACEMENT AGENCY
2 WHICH RECRUITED OT DEPLOYED AN UNDERAGE MIGRANT
3 WORKER SHALL BE AUTOMATICALLY REVOKED.
4

5 “ALL FEES RELEVANT TO THE PROCESSING OF PAPERS OR
6 DOCUMENTS RELEVANT TO THE RECRUITMENT OR DEPLOYMENT
7 SHALL BE REFUNDED IN FULL, WITHOUT NEED OF NOTICE, TO THE
8 UNDERAGE MIGRANT WORKER OR TO HIS PARENTS AND GUARDIAN,
9 THE REFUND SHALL BE INDEPENDENT AND IN ADDITION TO THE
10 INDEMNIFICATION AND DAMAGES SUSTAINED BY THE UNDERAGE
11 MIGRANT WORKER, THE REFUND SHALL BE PAID WITHIN THIRTY
12 (30) DAYS FROM THE DATE OF THE MANDATORY REPATRIATION AS
13 PROVIDED IN THIS ACT.”

14 Section 17. Section 17 of RA No. 8402 is hereby amended to read as follows:

15 “*Section 17. Establishment of Re-placement and Monitoring Center-* A re-
16 placement and monitoring center is hereby created in the Department of Labor and
17 Employment for returning Filipino migrant workers which shall provide a mechanism
18 for their reintegration into the Philippine society, serve as a promotion house for their
19 local employment, and tap their skills and potentials for national development.

20 The Department of Labor, the Overseas Workers Welfare Administration, and the
21 Philippine Overseas Employment Administration shall, within ninety (90) days from
22 the affectivity of this Act, formulate a program, **AFTER CONSULTATION WITH**
23 **THE CONCERNED SECTORS**, that would motivate migrant workers to plan for
24 productive options such as entry into highly technical jobs or undertakings, livelihood
25 and entrepreneurial development, better wage employment, and investment of
26 savings.

27 For this purpose, the Technical Education and Skills Development Authority
28 (TESDA), the Technology Livelihood Resource Center (TLRC), and other
29 government agencies involved in training and livelihood development shall give
30 priority to returnees who had been employed as domestic helpers and entertainers.

1 **SEC.18. *Functions of the Re-placement and Monitoring Center*** – The
2 Center shall provide the following services:

3 (a) Development livelihood programs and projects for returning Filipino migrant
4 workers in coordination with the private sector;

5 (b) Coordinate with appropriate private and government agencies in the
6 promotion, development, re-placement and the full utilization of their
7 potentials;

8 (c) Institute, in cooperation with other government agencies concerned, a
9 computer –based information system on skilled Filipino migrant workers,
10 which shall be accessible to all local recruitment agencies and employers, both
11 public and private;

12 (d) Provide a periodic study and assessment of job opportunities for returning
13 Filipino migrant workers; and

14 (e) Develop and implement other appropriate program to promote the welfare of
15 returning Filipino migrant workers.

16 **SEC. 19. *Establishment of a Migrant Workers and Other Overseas***
17 ***Filipinos Resource Center-*** Within the premises and under the administrative
18 jurisdiction of the Philippine Embassy in countries where there are large
19 concentrations of Filipino migrant workers, there shall be established a Migrant
20 Workers and Other Overseas Filipinos Resource Center with the following
21 services:

22 (a) Counseling and legal services:

23 (b) Welfare assistance including the procurement of medical and
24 hospitalization services;

25 (c) Information, advisory and programs to promote social integration such as
26 post-arrival orientation, settlement and community networking services
27 and activities for social interaction.

- 1 (d) Institute a scheme of registration of undocumented workers to bring them
2 within the purview of this Act. For this purpose, the Center is enjoined to
3 compel existing undocumented workers to register with it within six (6)
4 months from the affectivity of this Act, under pain of having his/her
5 passport cancelled;
- 6 (e) Human resource development, such as training and skills upgrading;
- 7 (f) Gender sensitive programs and activities to assist particular needs of
8 women migrant workers;
- 9 (g) Orientation program for returning workers and other migrants; and
- 10 (h) Monitoring of daily situations, circumstances and activities affecting
11 migrant workers and other overseas Filipino.

12 The establishment and operations of the Center shall be a joint undertaking of the
13 various government agencies. The Center shall be open for twenty-four (24) hours
14 daily including Saturdays, Sundays, and holidays, and shall be staffed by Foreign
15 Service personnel, service attaches or officers who represent other Philippine
16 government agencies abroad and, if available, individual volunteers and bona fide
17 non-government organizations from the host countries. In countries categorized as
18 highly problematic by the Department of Foreign Affairs and the Department of
19 Labor and Employment and where there is a concentration of Filipino migrant
20 workers, the government must provide a lawyer and a social worker for the
21 Center. The Labor Attaché shall coordinate the operation of the Center and shall
22 keep the Chief of Mission informed and updated on all matters affecting it.

23 The center shall have a counterpart 24-hour information and assistance center at
24 the Department of Foreign Affairs to ensure a continuous network and
25 coordinative mechanism at the home office.

26 Section 20. Section 20 of RA No. 8042 is hereby amended to read as follows:

27 **“Section 20. Establishment of a shared Government Information System**
28 **for Migration. – An inter-agency committee CO-CHAIR**ED BY THE
29 **DEPARTMENT OF LABOR AND EMPLOYMENT AND THE** [and
30 **composed of the] Department of Foreign Affairs, FOR LOCAL AND**

1 **OVERSEAS OPERATIONS, RESPECTIVELY, and THEIR** [its] attached
2 **AGENCIES** [agency, the Commission on Filipino Overseas, the Department of
3 Labor and Employment, the Philippine Overseas Employment administration, the
4 Overseas Workers Welfare Administration], the Department of Tourism, the
5 Department of Justice, the Bureau of Immigration, the National Bureau of
6 Investigation, **THE NATIONAL COMPUTER CENTER** and the National
7 Statistics Office shall be established to implement a shared government
8 information system for migration. The inter-agency committee shall initially
9 make available to itself the information contained in existing data base/files.

10 The second phase shall involve linking of computer facilities in order to allow
11 free-flow of data exchanged and sharing among concerned agencies. The inter-
12 agency committee shall convene to identify existing databases, which shall be
13 classified and shared among member agencies. These shared databases shall
14 initially include, but not be limited to, the following information:

- 15 (a) Master list of Filipino migrant/overseas Filipino classified according to
16 occupation/job category, civil status, by country/state of destination including visa
17 classification,
18 (b) Inventory of pending legal cases involving Filipino migrant workers and other
19 *Filipino nationals, including those serving prison terms;*
20 (c) Master lists of departing/arriving Filipinos;
21 (d) Statistical profile on migrant Filipino workers/overseas Filipinos/tourists;
22 (e) Blacklisted foreigners/undesirable aliens;
23 (f) Basic data on legal systems, immigration policies, marriage laws and civil and
24 criminal codes in receiving countries particularly those with the large number
25 of Filipinos;
26 (g) List of labor and other human rights instruments where receiving countries are
27 signatories;
28 (h) A tracking system of past and present gender disaggregated cases involving
29 male and female migrant workers; and
30 (i) Listing of overseas posts, which may render assistance to overseas Filipinos,
31 in general, and migrant workers, in particular.

1 Section 21. Section 21 of RA No. 8042 is hereby deleted

2 [Sec. 21. Migrant Workers Loan Guarantee Fund. – in order to further prevent
3 unscrupulous illegal recruiters from taking advantage of the workers seeking
4 employment abroad, the OWWA in cooperation with government financial
5 institutions, shall institute financial schemes that will expand the grant of pro-
6 departure and family assistance loan. For this purpose, a Migrant Workers Loan
7 Guarantee Fund is hereby created and the revolving amount of One hundred
8 million pesos (P100, 000,000.00) from the OWWA is set aside as a guarantee
9 fund in favor of participating government financial institutions.]

10 **SEC. 21 [22]. *Rights and Enforcement Mechanism Under the***
11 ***International and Regional Human Rights System.*** – The Department of Foreign
12 Affairs is mandated to undertake the necessary initiative such as promotions,
13 acceptance or adherence of countries receiving Filipino workers to multilateral
14 convention, declaration or resolutions pertaining to the protection of migrant
15 workers. The Department of Foreign Affairs is also mandated to make an
16 assessment of rights and avenues of redress under international and regional
17 human rights systems that are available to Filipino migrant workers who are
18 victims of abuse and violation and, as far as practicable and through the Legal
19 Assistant of Migrant Workers Affairs created under this Act, pursue the same on
20 behalf of the victim if it is legally impossible to file individual complaints. If a
21 complaints machinery is available under international and regional systems, the
22 Department of Foreign Affairs shall fully apprise the Filipino migrant workers of
23 the existence and effectiveness of such legal options.

24 Section 22. Section 23 of RA No.8042 is hereby amended to read as follows:

25 **SEC. 22 [23]. *Role of Government Agencies.*** – The following
26 government agencies shall perform the following to promote the welfare and
27 protect the rights of migrant workers and, as far as applicable, all overseas
28 Filipinos:

1 (a) Department of Foreign Affairs – The Department, through its home office
2 or foreign posts, shall take priority action or make representation with the foreign
3 authority concerned to protect the rights of migrant workers and other overseas
4 Filipinos and extend immediate assistance, including the repatriation of distressed
5 or beleaguered migrant workers and overseas Filipino:

6 (b) Department of Labor and Employment - The Department of Labor and
7 Employment shall see to it that labor and social welfare in other countries are
8 fairly applied to migrant workers and whenever applicable, to other overseas
9 Filipinos including the grant of legal assistance and the referral to proper medical
10 centers or hospitals [:]. **FOR THE EFFICIENT MANAGEMENT OF**
11 **OVERSEAS EMPLOYMENT, THE SECRETARY OF LABOR AND**
12 **EMPLOYMENT SHALL MAKE AN ASSESSMENT OF THE SCOPE OF**
13 **ANY SPECIFIC DEREGULATION NEEDED FOR ECONOMIC**
14 **DEVELOPMENT, TAKING INTO PRIMARY CONSIDERATION THE**
15 **WELFARE OF OUR MIGRANT WORKERS, IMMEDIATELY AFTER**
16 **THE EFFECTIVITY OF THIS ACT AND EVERY THREE YEARS**
17 **THEREAFTER, EACH TIME UPON CONSULTATION WITH THE**
18 **CONCERNED SECTORS.**

19 (b.1) Philippine Overseas Employment Administration – [Subject to deregulation
20 and phase-out as provided under sections 29 and 30 herein, the administration
21 shall regulate private sector participation in the recruitment and overseas
22 placement of workers by setting up a licensing and registration system. It shall
23 also formulate and implement, in coordination with the appropriate entities
24 concerned, when necessary, a system for promoting and monitoring the overseas
25 employment of Filipino Workers taking into consideration their welfare and the
26 domestic manpower requirements.] **POEA SHALL BE RESPONSIBLE FOR**
27 **THE MANAGEMENT OF OVERSEAS EMPLOYMENT AT THE PRE-**
28 **EMPLOYMENT STAGE, SECURING THE BEST POSSIBLE TERMS**
29 **AND CONDITIONS FOR OVERSEAS EMPLOYMENT, CONSIDERING**
30 **THE NEED OF THE VULNERABLE SECTORS AND THE**
31 **PECULARITIES OF OVERSEAS FILIPINO WORKERS WHO ARE SEA**
32 **BASED AND LAND BASED. POEA SHALL ALSO BE RESPONSIBLE**
33 **FOR THE INTENSIFIED PROGRAM AGAINST ILLEGAL**

1 RECRUITMENT ACTIVITIES. FOR THIS PURPOSE, AN ANTI-
2 ILLEGAL RECRUITMENT PROGRAM UNDER THE ANTI- ILLEGAL
3 RECRUITMENT BRANCH OF POEA IS HEREBY
4 INSTITUTIONALIZED, AND FUNDED BY 10% OF THE ANNUAL
5 INCOME OF POEA.

6 POEA SHALL FURTHER PROVIDE COMPREHENSIVE PRE-
7 EMPLOYMENT SEMINARS THAT SHALL COVER SUCH MATTERS
8 AS GENDER SENSITIVITY;

9 (b. 2) Overseas Workers Welfare Administration – [The Welfare officer or in his
10 absence, the coordinating officer shall provide the Filipino migrant worker and his
11 family all the assistance they may need in the enforcement of contractual
12 obligations by agencies or entities and/or by their principals. In the performance
13 of this function, he shall make representation and may call on the agencies or
14 entities concerned to the conferences or conciliation meetings for the purpose of
15 settling the complaints or problems brought to his attention.] **OWWA SHALL**
16 **FORMULATE AND IMPLEMENT WELFARE PROGRAMS FOR**
17 **OVERSEAS FILIPINO WORKERS AND THEIR FAMILIES WHILE THE**
18 **OFWS ARE ABROAD AND UPON THEIR RETURN. IT SHALL**
19 **LIKEWISE ENSURE THE AWARENESS BY THE OFWS AND THEIR**
20 **FAMILIES OF THESE PROGRAMS AND OTHER RELATED**
21 **GOVERNMENTAL PROGRAMS.**

22 Section 23. Section 24 is hereby amended to read as follows:

23 “Section 23 [24]. *Legal Assistant for Migrant Workers Affairs.* – There is
24 hereby created the position of Legal Assistant for Migrant Workers Affairs under
25 the Department of Foreign Affairs who shall be primarily responsible for the
26 provision and overall coordination of all legal assistance services to be provided
27 to the Filipino migrant workers as well as overseas Filipinos in distress
28 **ABROAD.** He shall have the rank, salary, privileges equal to that of an
29 Undersecretary of said Department.

1 The said Legal Assistant for Migrant Workers Affairs, shall be appointed by the
2 President and must be of proven competence in the field of law with at least ten
3 (10) years of experience as a legal practitioner and must not have been candidate
4 to an elective office in the last local or national elections.

5 Among the functions and responsibilities of the aforesaid Legal Assistant are:

6 (a) To issue the guidelines, procedures and criteria for the provision of legal
7 assistance services to Filipino migrant workers;

8 (b) To establish close linkages with the Department of Labor and Employment,
9 the POEA, the OWWA and other government agencies concerned, as well as with
10 non-governmental organizations assisting migrant workers, to ensure effective
11 coordination and cooperation in the provision of legal assistance to migrant
12 workers;

13 (c) To tap the assistance of reputable law firms, [and] the Integrated Bar of the
14 Philippines, [and] other bar associations, **AND OTHER GOVERNMENT**
15 **LEGAL EXPERTS ON OFW LAWS**, to complement the government's efforts
16 to provide legal assistance to our migrant workers,

17 (d) To administer the legal assistance fund for migrant workers established under
18 Section 25 hereof and to authorize disbursements there from in accordance with
19 the purposes for which the fund was set up; and

20 (e) To keep and maintain the information system as provided in Section 20.

21 The Legal Assistant for Migrant Workers Affairs shall have authority to hire
22 private lawyers, domestic or foreign, in order to assist him in the effective
23 discharge of the above functions.

24 **SEC. 24 [25]. *Legal Assistance Fund.*** – There is hereby established a
25 legal assistance fund for migrant workers, herein after referred to as the Legal
26 Assistance Fund, in the amount of One hundred million pesos (P100, 000,000) to
27 be constituted from the following sources: Fifty million pesos (P50, 000,000)
28 from the Contingency Fund of the President; Thirty million pesos (P30, 000,000)
29 from the Presidential Social Fund; and Twenty million pesos (20, 000,000) from

1 the Welfare Fund for Overseas Workers established under letter of Instruction No.
2 537, as amended by Presidential Decree Nos. 1694 and 1809.

3 Any balances of existing fund which have been set aside by the government
4 specifically as legal assistance or defense fund to help migrant workers shall, upon
5 effectivity of this Act, be turned to, and form part of, the Fund created under this
6 Act.

7 **“Section 25 [26]. *Uses of the Legal Assistance Fund.*** - The Legal
8 Assistance Fund created under the preceding Section shall be used exclusively to
9 provide legal services to migrant workers and overseas Filipino in distress in
10 accordance with the guidelines, criteria and procedures promulgated in accordance
11 with Section 24 (a) hereof. The expenditures to be charged against the Fund shall
12 include the fees for the foreign lawyers to be hired by the Legal Assistant for
13 Migrant Workers Affairs to represent migrant workers facing any legal charges
14 and other litigation expenses.

15 **SEC. 26 [27]. *Priority Concerns of Philippine Foreign Service Posts.*** –
16 The country-team approach, as enunciated under Executive Order no. 74, series of
17 1993, shall be the mode under the Philippines embassies or their personnel will
18 operate in the protection of the Filipino Migrant Workers as well as in the
19 promotion of their welfare. The protection of Filipino migrant workers and the
20 promotion of their welfare, in particular, and the protection of the dignity and
21 fundamental rights and freedoms of the Filipino citizen abroad, in general, shall be
22 the highest priority concerns of the Secretary of Foreign Affairs and the Philippine
23 Foreign Service Posts.

24 **SEC. 27 [28]. *Country-Team Approach.*** – Under the country-team
25 approach, all officers, representatives and personnel the Philippine government
26 posted abroad regardless of their mother agencies shall, on a per country basis, act
27 as on country-team with a mission under the leadership of the Ambassador. In this
28 regard, the Ambassador may recommend to the Secretary of Foreign Affairs the
29 recall officers, representatives and personnel of the Philippine government posted
30 abroad for acts inimical to the national interest such as, but not limited to, failure
31 to provide the necessary services to protect the rights of overseas Filipinos. Upon
32 receipt of the recommendation of the Ambassador, the Secretary of Foreign
33 Affairs shall, in the case of officers, representatives and personnel of other

1 departments endorse such recommendation to the Department Secretary
2 concerned for the appropriate action. Pending investigation by an appropriate
3 body in the Philippines, the person recommended for recall may be placed under
4 preventive suspension by the Ambassador.

5 In host countries where there are Philippine consulates, such consulates will also
6 constitute part of the country-team under the leadership of the ambassador.

7 In the implementation of the country-team approach, visiting Philippine
8 delegations shall be provided full support and information.

9 **Section 28.** Sections 29 and 30 of RA # 8402 are repealed by R. A. 9422

Sec. 28. The following provisions are proposed to be renumbered by in view of
the repealed.

10 **SEC. 29** [31. *Incentives to Professionals and Other Highly Skilled*
11 *Filipinos Abroad.* – Pursuant to the objective of encouraging professionals and
12 highly-skilled Filipinos abroad especially in the field of science and technology to
13 participate in, and contribute to national development, the government shall
14 provide proper and adequate incentives and programs so as to secure their services
15 in priority development areas of the public and private sectors.]

16 **IX. MISCELLANEOUS PROVISIONS**

17 **SEC. 30** [32]. *POEA and OWWA Board; Additional Memberships.* –
18 Notwithstanding any provision of law to the contrary, the respective Boards of the
19 POEA and the OWWA shall, in addition to their present composition, have three
20 (3) members each who shall come from the women, sea-based and land-based
21 sectors respectively, to be appointed by the President in the same manner as the
22 other members.

23 **SEC 31** [33]. *Report to Congress.* – In order to inform the Philippine
24 Congress on the implementation of the policy enunciated in Section 4 hereof, the
25 Department of Foreign Affairs and the Department of Labor and Employment
26 shall submit to the said body a semi-annual report of Philippine foreign posts

1 located in the countries hosting Filipino migrant workers. The report shall include,
2 but shall not be limited to, the following information.

3 (a) Masterlist of Filipino migrant workers, and inventory of pending legal
4 cases involving them and other Filipino nationals including those serving prison
5 terms;

6 (b) Working conditions of Filipino migrant workers;

7 (c) Problems encountered by the migrant workers, specifically violations of
8 their rights;

9 (d) Initiatives/actions taken by the Philippine foreign posts to address the
10 problems of Filipino migrant workers;

11 (e) Changes in the laws and policies of host countries; and

12 (f) Status of negotiations on bilateral labor agreements between the Philippines
13 and the host country.

14 Any officer of the government who fails to report as stated in the preceding
15 section shall be subject to administrative penalty.

16 **SEC. 32 [34]. *Representation in Congress.*** – Pursuant to Section 3 (2),
17 Article VI of the Constitution and in line with the objective of empowering
18 overseas Filipinos to participate in the policy-making process to address Filipino
19 migrant concerns two (2) sectoral representatives for migrant workers in the
20 House of Representatives shall be appointed by the President for the ranks of
21 migrant workers: Provided, That at least one (1) of the two (2) sectoral
22 representatives shall come from the women migrant workers sector: Provided,
23 further, That all nominees must have at least two (2) years experience as a migrant
24 worker.

25 **SEC. 33 [35]. *Exemption from Travel Tax and airport Fee.*** All laws to
26 the contrary notwithstanding, the migrant worker shall be exempt from the
27 payment of travel tax and airport fee upon proper showing of proof of entitlement
28 by the POEA.

1 **SEC. 34 [36]. *Non-increase of Fees; Abolition of Repatriation Bond.*** –
2 Upon approval of this Act, all fees being charged by any government office on
3 migrant workers shall remain at their present levels and repatriation bond shall be
4 abolished.

5 **SEC. 35 [37]. *The Congressional Migrant Workers Scholarship Fund.***
6 – There is hereby created a Congressional Migrant Workers Scholarship Fund,
7 which shall benefit deserving migrant workers and/or their immediate descendants
8 below twenty-one (21) years of age who intended to [pursue courses or training
9 primarily in the field of science and technology] **ENROLL OR ARE**
10 **CURRENTLY ENROLLED PREFERABLY IN EXISTING STATE**
11 **UNIVERSITIES AND COLLEGES (SUCs) WITHIN THE PHILIPPINES.**
12 The initial seed fund of Two hundred million pesos
13 (P200, 000,000.00) shall be constituted from the following sources:

- 14 (a) Fifty million pesos (P50, 000,000.00) from the unexpected Countrywide
15 Development Fund for 1995 in equal sharing by all members of Congress; and
16 (b) The remaining One hundred fifty million pesos (P150, 000,000.00) shall be
17 funded from the proceeds of Lotto.

18 The Congressional Migrant Workers Scholarship Fund as herein created shall be
19 administered by the DOLE in coordination with the [Department of Science and
20 Technology (DOST)] **COMMISSION ON HIGHER EDUCATION (CHED).**
21 To carry out the objectives of this section, the DOLE and the [DOST] CHED shall
22 formulate the necessary rules and regulations.

23 **SEC. 36 [38]. *Migrant Workers Day.*** – The day of signing by the
24 President of this Act shall be designated as the Migrant Workers Day and shall
25 henceforth be commemorated as such annually.

26 **SEC. 37 [39]. *Implementing Rules and Regulations.*** – The Departments
27 and agencies charged with carrying out the provisions of this Act shall, within
28 ninety (90) days after the effectivity of this Act, formulate the necessary rules and
29 regulation for its effective implementation

1 **SEC. 38** [40] *Repealing Clause.* – All laws, decrees, executive orders,
2 rules and regulations, or parts thereof inconsistent with the provisions of this Act
3 are hereby repealed or modified accordingly.

4 **SEC. 39** [41]. *Separability Clause.* – If, for any reason, any Section or
5 provision of this Act is held unconstitutional or invalid, the other sections or
6 provisions hereof shall not be affected thereby.

7 **SEC. 40** [42]. *Effectivity Clause.* This Act shall take effect after fifteen
8 days from its publication in the Official Gazette or in at least two (2) national
9 newspapers of general circulation whichever comes earlier.

Approved,