

SIXTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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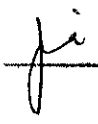


Senate
Office of the Secretary

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SENATE

Senate Bill No. 144

RECEIVED BY: 

Introduced by Senator Cynthia Villar

EXPLANATORY NOTE

Article XIII Section 3 of the 1987 Constitution provides that "[t]he State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all."

In affording protection to our OFWs, it is necessary that we also seek support and participation from the private sector —particularly from the manpower and manning agencies whose businesses are inextricably linked with the deployment of Filipino workers overseas and whose profits are mainly anchored on the labor services they provide for their foreign business partners.

The installation of safety nets, among other matters, therefore must be understood as not just the sole responsibility of the government but also by those who have a stake in the deployment of workers. It is a collective duty that must be embraced and upheld at all times for the common good.

The amendments introduced in this bill on the "Migrant Workers and Overseas Filipino Act of 1995" are intended to give stronger teeth in the implementation of the law and to increase both the recoverable remunerations of the migrant worker during extraordinary situations such as dislocation/displacement, incapacity and death due to natural disasters and catastrophes and man-made perils.

In view of the foregoing, the approval of this initiative is earnestly sought.


CYNTHIA VILLAR



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SENATE

Senate Bill No. 144

RECEIVED BY: *ja*

Introduced by Senator Cynthia Villar

AN ACT
AN ACT SETTING HIGHER STANDARDS OF PROTECTION OF MIGRANT
WORKERS AND THEIR FAMILIES, AMENDING FOR SUCH PURPOSE REPUBLIC
ACT NO. 8042 OTHERWISE ENTITLED AN ACT TO INSTITUTE POLICIES OF
OVERSEAS EMPLOYMENT AND ESTABLISH A HIGHER STANDARD OF
PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS,
THEIR FAMILIES AND OVERSEAS FILIPINOS IN DISTRESS,
AND FOR OTHER PURPOSES

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

1 SECTION 1. A second paragraph is hereby added to Section 4 of Republic Act
2 8042 which shall now be read as follows:
3

4 "SECTION 4. Deployment of Migrant Workers.- The State shall deploy
5 overseas Filipino workers only in countries where the rights of Filipino
6 migrant workers are protected. The government recognizes any of the
7 following as guarantee for the protection of overseas Filipino workers:
8

- 9 (a) It has existing labor and social laws protecting the rights of
10 migrant workers;
11 (b) It is a signatory to multilateral conventions, declarations or
12 resolutions relating to the protection of migrant workers;
13 (c) The country has concluded a bilateral agreement or
14 arrangement with the Philippine Government on the protection of
15 the rights of overseas Filipino Workers; and
16 (d) It is taking positive, concrete measures to protect the rights of
17 migrant workers.
18

19 NOTWITHSTANDING THE ABSENCE OF LEGAL PROCESSING BY
20 THE POEA OF OVERSEAS EMPLOYMENT CONTRACTS OF MIGRANT
21 WORKERS FOR COUNTRIES MEETING THE ABOVE MENTIONED
22 CRITERIA AS REQUIRED BY LAW, THE DOLE, DFA, POEA, OWWA
23 MUST STILL ENSURE THAT ALL THE BENEFITS AND PROTECTION
24 ACCORDED HEREIN SHALL BE MAINTAINED IN FAVOR OF THE
25 WORKER WITHOUT ANY PREJUDICE TO A COMMENSURATE
26 DIMINUTION OF RECOVERABLE COMPENSATION DUE TO THE
27 WORKER IN SITUATIONS WHERE EVIDENT BAD FAITH, FRAUD OR
28 GROSS OMISSION OR NEGLIGENCE CAN BE SOLELY
29 ATTRIBUTED TO HIM AND WITHOUT ANY INTERVENTION OF HIS
30 EMPLOYER OR PLACEMENT AGENCY IN HIS/HER TRAVEL OR

1 PLACEMENT ABROAD AND ON THE FURTHER CONDITION THAT
2 SUCH IS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE.
3 THE FILING OF CRIMINAL CHARGES INCLUDING THE
4 PROMULGATION OF JUDGEMENT ON THE CASE SHALL NOT
5 PREVENT NOR DELAY THE AWARDING OF BENEFITS FOR THE
6 MIGRANT WORKER AND HIS BENEFICIARIES."
7

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9 SEC. 2. The second, fourth and fifth paragraphs of Section 10 are hereby
10 amended to be read as follows:
11

12 SEC. 10. Money claims. - x x x
13

14 The liability of the principal/employer and the recruitment placement
15 agency on any and all claims under this Rule shall be joint and solidary.
16 This liability shall be incorporated in the contract for overseas employment
17 and shall be a condition precedent for its approval. The performance bond
18 to be filed by the recruitment/placement agency [as provided by law.]
19 WHICH SHALL NOT BE LESS THAN ONE HUNDRED THOUSAND
20 PESOS (P 100,000.00) shall be answerable for all money claims or
21 damages that maybe awarded to the workers. IN CASE THERE IS A
22 DEFICIENCY IN THE AMOUNT OF THIS BOND IN THE SATISFACTION
23 OF ALL CLAIMS DUE TO THE WORKER, A SUMMARY DECISION
24 SHALL BE FORTHWITH ISSUED BY THE LABOR ARBITER WHICH
25 SHALL BE FINAL AND IMMEDIATELY EXECUTORY.
26

27 xxx
28

29 Any compromise, amicable settlement or voluntary agreement on money
30 claims inclusive of damages under this Rule shall be paid within ONE (1)
31 MONTH [four (4) months] from the approval of the settlement by the
32 appropriate authority.
33

34 In case of termination of overseas employment without just, valid or
35 authorized causes as defined by law or contract, the worker shall be
36 entitled to the full reimbursement of his placement fee with interest as
37 twelve percent (12%) or for three (3) months for every year of the
38 unexpired term, whichever is [less] HIGHER.
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41 SEC. 3. The first paragraph of Section 15 is hereby amended to be read as
42 follows:
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44 SEC. 15. The repatriation of the worker and the transport of his personal
45 belongings shall be the primary responsibility of the agency which
46 recruited or deployed the worker overseas. All costs attendant to
47 repatriation shall be borne by or charged to the agency concerned and/or
48 its principal. Likewise, the repatriation of remains and transport of the
49 personal belongings of a deceased worker and all costs attendant thereto
50 shall be borne by the principal and/or the local agency. However, in cases
51 where the termination of employment is due solely to the fault of the
52 worker, the principal/employer, or agency shall [not in any manner be
53 responsible for] JOINTLY SHOULDER the COSTS OF repatriation of the
54 former and/or his belongings.
55

56
57 SEC. 4. Section 21 shall be amended to be read as follows:

1
2 SEC. 21.Migrant Workers Loan Guarantee Fund.-In order to further
3 prevent unscrupulous illegal recruiters from taking advantage of workers
4 seeking employment abroad, the OWWA in cooperation with government
5 financial institutions, shall institute financing schemes that will expand the
6 grant of pre-departure loan THAT WILL ADEQUATELY ADDRESS THE
7 PRE-DEPARTURE EXPENSES OF THE WORKERS and family
8 assistance loan WHICH SHALL NOT BE LESS THAN FIFTY THOUSAND
9 PESOS (P 50,000.00) PER WORKER'S FAMILY BENEFICIARIES. For
10 this purpose, a Migrant Workers Loan Guarantee Fund is hereby created
11 and the revolving amount of One hundred million pesos (P
12 100,000,000.00) from the OWWA is set aside as a guarantee fund in favor
13 of participating government financial institutions.
14

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16 SEC. 5. The amount necessary to carry out the provisions of this Act shall be
17 sourced out from the funds generated by the Philippine Amusement and Gaming
18 Corporation and Philippine Charity Sweepstakes Office, and the subsequent funding to
19 be provided for in the General Appropriations Act of the year following its enactment into
20 law and thereafter.
21

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23 SEC. 6. All other laws, decrees, orders, issuances, rules and regulations or parts
24 thereof inconsistent with this Act, are hereby repealed or modified accordingly.
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27 SEC.7 If for any reason, any section or provision of this Act is held
28 unconstitutional or invalid, the other sections or provisions hereof shall not be affected
29 thereby.
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32 SEC. 8 This Act shall take effect after fifteen (15) days from its publication in the
33 Official Gazette or in at least two (2) national newspapers of general circulation.
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35 Approved,