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SENATE
S. B. 2162

RECEIVED BY: *ji*

Introduced by Senator Poe

**AN ACT
TO FURTHER ASSIST FILIPINO MIGRANT WORKERS,
AMENDING FOR THE PURPOSE SECTION 10 OF REPUBLIC ACT NO. 8042,
AS AMENDED**

Explanatory Note

The 1987 Philippine Constitution is clear in its guarantee, “[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.” (Article XIII, Section 3, first paragraph) This provision is significant as it serves as the lamppost of government protection to Filipino human resources including the overseas Filipino workers (OFWs). This policy measure is a social legislation to the OFWs.

Many Filipinos believe that overseas employment is the way to financial security. Being an OFW would mean facing the challenge of being alone in a foreign land and missing important events in the lives of their loved ones back home in exchange for a high paying job. However, because of their desire to provide a better future for their children, they are left with no choice but to endure the hardships of working abroad with the uncertainty of the dangers they may have to face; and the changes in their family that they may have to adapt to.

As per the latest survey conducted by the National Statistics Office, the number of Overseas Filipino Workers is estimated at 2.2 Million. These OFWs are the modern day heroes of our country; they helped cushion our economy from the effects of global financial crisis through their billion dollar remittances each year and it is what keeps our economy afloat. However, not all OFWs are fortunate in seeking jobs abroad. Some OFWs end up being recruited illegally while some are promised jobs that are non-existent.

These OFWs have contributed significantly to the survival of our economy. It is our duty to protect our modern day heroes and not treat them as export commodity as means to sustain economic growth. The sacrifices they make in hope of enjoying the fruits of their hard earned labor when they come home should not be taken for granted.

This bill seeks to amend the existing law Republic Act No. 8042, or the Migrant Workers Act of 1995, in order to provide equal protection of our OFWs, as amended. The amendment would be, that in cases of termination of overseas employment without

just, valid or authorized cause as defined by law or contract, be entitled to the full reimbursement of his/her placement fee plus reasonable interest rate and that the Department of Labor and Employment as the main steward for OFWs shall provide a comprehensive assistance program to the sector. This legislation is a counterpart policy measure authored by Representatives Walden Bello and Ibarra Gutierrez III in the House of Representatives.

In light of the foregoing, immediate passage of this bill is earnestly sought.


GRACE POE

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

SECTION 1. The fifth paragraph of Section 10 of republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipino Act, as amended by Republic Act. No. 10022, is hereby amended by repealing the clause "or for Three (3) months every year of the unexpired term, whichever is less", to read as follows:

"Section 10. Money Claims. – Notwithstanding any provision of law to the contrary, the Labor Arbiters of the National Labor Relations Commission (NLRC) shall have the original and exclusive jurisdiction to hear and decide, within ninety (90) calendar days after filing of the complaint, the claims arising out of an employer-employee relationship or by virtue of any law or contract involving Filipino workers for overseas deployment including claims for actual, moral, exemplary and other forms of damages.

The liability of the principal/employer and the recruitment/placement agency for any and all claims under this section shall be joint and several. This provisions shall be incorporated in the contract for overseas employment and shall be a condition precedent for its approval. The performance bond to be filed by the recruitment/placement agency, as provided by law, shall be answerable for all money claims or damages that may be awarded to the workers. If the recruitment/placement agency is a juridical being, the corporate officers and directors and partners as the case may be, shall themselves be jointly and solidarily liable with the corporation or partnership for the aforesaid claims and damages.

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

Any compromise/amicable settlement or voluntary agreement on money claims inclusive of damages under this section shall be paid within four (4) months from the approval of the settlement by the appropriate authority.

In case of termination of overseas employment without just, valid or authorized cause as defined by law or contract, the workers shall be entitled to the full

reimbursement of his placement fee with interest of twelve percent (12%) per annum, plus his salaries for the unexpired portion of his employment contract [or for three (3) months for every year of the unexpired term, whichever is less.] **PROVIDED THAT THE DEPARTMENT OF LABOR AND EMPLOYMENT AND ITS ATTACHED AGENCIES SHALL PROVIDE NEW SKILL TRAININGS, RE-TRAINING PROGRAMS, LIVELIHOOD AND TECHNOLOGY ASSISTANCE, SEMINARS FOR MICRO-FINANCE ASSISTANCE, AND SIMILAR OPPORTUNITIES FOR RETURNING OVERSEAS FILIPINO WORKERS.**

Non-compliance with the mandatory periods for resolutions of cases provided under this section shall subject the responsible officials to any or all of the following penalties:

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

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

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

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

SECTION 2. *Repealing Clause.* – All laws, rules and regulation, orders, circulars and memoranda inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 3. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,