



SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

14 SEP 23 P3:24

SENATE

P.S. Resolution No. 931

INTROD BY:

Introduced by Senator Cynthia A. Villar

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, TO LOOK INTO THE IMPLEMENTATION OF THE PROVISIONS OF REPUBLIC ACT NO. 8042 OTHERWISE KNOWN AS THE MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995, AS AMENDED BY REPUBLIC ACT NO. 10022, WITH THE END IN VIEW OF STRENGTHENING THE POLICIES, PROCEDURES, AND PRACTICES OF OUR RELEVANT GOVERNMENT AGENCIES FOR THE PROTECTION AND REPATRIATION OF OUR OVERSEAS FILIPINO WORKERS.

WHEREAS, Article XII, Section 3 of the Philippine Constitution states that, "The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all";

WHEREAS, Section 2 (a) of Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022, states as matter of public policy, that, "In the pursuit of an independent foreign policy and while considering national sovereignty, territorial integrity, national interest and the right to self-determination paramount in its relations with other states, the State shall, at all times, uphold the dignity of its citizens whether in country or overseas, in general, and Filipino migrant workers, in particular, x x x";

WHEREAS, Section 15 thereof states that the cost of repatriation of the Overseas Filipino Worker (OFW) employee shall be borne by the agency that recruited or deployed the OFW;

WHEREAS, the Omnibus Rules and Regulations Implementing the provisions of Republic Act No. 8042, as amended, further provide that the cost of repatriation of the OFW employee shall be borne by the "principal, employer, or agency that recruited or deployed the OFW without a prior determination of the cause of termination" of employment;¹

WHEREAS, Section 37-A of Republic Act No. 8042, as amended, require the compulsory insurance coverage of agency-hired workers, sub-paragraphs (d) and (i) thereof covers the repatriation of the OFW in case of employment termination and for medical reasons, respectively;²

WHEREAS, despite the aforementioned provisions placing the responsibility to repatriate to the principal, employer, or agency that recruited or deployed the OFW, as

¹ Rule XIII, Section 1.

² This provision is also reflected under Rule XVI, Section 2, of the Omnibus Rules and Regulations implementing R.A. No. 8042, as amended.

the case may be, there are plenty of OFWs who still personally bear the cost of their own repatriation. For some who do not have any other means, they are constrained to seek the help of non-government organizations and other "Good Samaritans" in order to be repatriated;

WHEREAS, in view of the foregoing, there is a need to look into the practice of repatriating our OFWs—the procedure vis-à-vis how it is actually effected, who in fact bears the burden, and other relevant information to find a more efficient approach on their repatriation;

WHEREFORE, BE IT RESOLVED, as it is hereby resolved by the Senate of the Philippines to the appropriate Senate committee to conduct an inquiry, in aid of legislation, to look into the implementation of the provisions of Republic Act No. 8042 otherwise known as The Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022, with the end in view of strengthening the policies, procedures, and practices of our relevant government agencies for the protection and repatriation of our Overseas Filipino Workers.

Adopted,



CYNTHIA A. VILLAR