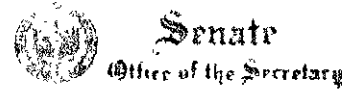


SIXTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



15 MAY -7 P3:46

SENATE  
S. B. No. 2757

RECEIVED BY: J

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Introduced by Senator Aquilino "Koko" Pimentel III

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AN ACT  
PROVIDING FOR THE CRIME OF "ILLEGAL WITHHOLDING OF  
PASSPORT" AND A MECHANISM FOR ITS PROSECUTION, AND  
FOR OTHER PURPOSES

EXPLANATORY NOTE

Under *Republic Act No. 8239*, otherwise known as the "*Philippine Passport Act of 1996*," a passport is a document issued by the Philippine government to its citizens, the issuance of which is equivalent to a request to other governments to allow Philippine citizens to pass safely and freely, and in case of need, to give them lawful aid and protection. More importantly, a passport is a proclamation of the citizenship of a Filipino, hence, it is a document superior to all other official documents such that the unauthorized withholding or retention of a passport brings untold hardships to its holder whose mobility and capacity to transact are greatly impaired.

Many of our Overseas Filipino Workers (OFWs) suffer from this unfair act as their passports are withheld or retained either by their recruitment agencies here in the Philippines or by their employers overseas, for various reasons. The unauthorized withholding of passports of our OFWs is a form of coercion that needs to be criminalized in order to afford full protection to our OFWs, who we consider to be our modern-day heroes.

In recognition of the unique situation faced by our OFWs, this bill provides for its extraterritorial application and a mechanism for any person who has personal knowledge of the commission of any offense under this Act to file the appropriate complaint. With these two mechanisms in place, our OFWs and their respective families would not be left without a remedy to enforce their rights under the law.


For these reasons, the immediate passage of this bill is earnestly requested.

  
AQUILINO "KOKO" PIMENTEL III

SIXTEENTH CONGRESS OF THE )  
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*Be it enacted by the Senate and the House of Representatives of the Philippines in  
Congress assembled:*

1           **SECTION 1. Short Title.** - This Act shall be known as the “Illegal  
2 Withholding of Passport Act of 2015.”  
3

4           **SECTION 2. Declaration of Policy.** – It is hereby declared a policy  
5 of the State to protect the rights and promote the welfare of every person,  
6 especially the Overseas Filipino Worker (OFW). Towards this end, the State  
7 shall endeavor to protect the OFW from all threats and coercion done  
8 through the confiscation, retention, or withholding of the OFW’s Philippine  
9 passport, which is considered the property of the State.  
10

11           **SECTION 3. Definition of Terms.** – As used in this Act, the  
12 following terms shall mean:  
13

14           (a) “Overseas Filipino worker” or “OFW” refers to a person who is  
15 engaged, or has been engaged in a remunerated activity in a state of which  
16 he or she is not a citizen or on board a vessel navigating the foreign seas  
17 other than a government ship used for military or non-commercial purposes  
18 or on an installation located offshore or on the high seas; to be used  
19 interchangeably with migrant worker; and  
20

21           (b) “Applicant worker” refers to a person who is in the process of  
22 applying as an OFW.  
23

24           **SECTION 4. Prohibited Act.** – Any person who confiscates, retains,  
25 or withholds, without any legal authority, any valid Philippine passport  
26 issued to an OFW shall be guilty of the crime of “Illegal Withholding of  
27 Passport”; Provided that, the act of withholding or denying passports or  
28 travel documents from applicant workers before departure, for monetary or

1 financial considerations, or for any other reasons, other than those  
2 authorized under the Labor Code and its implementing rules and regulations,  
3 shall continue to be considered as “illegal recruitment” and be penalized as  
4 such crime under Section 6 (k) and Section 7, respectively, of Republic Act  
5 No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos  
6 Act of 1995, as amended by Republic Act No. 10022.

7  
8 **SECTION 5. *Penalties and Sanctions.*** –  
9

10 a. Any person found guilty of the crime of “Illegal Withholding  
11 of Passport” under Section 4 of this Act shall suffer the penalty of  
12 imprisonment of not less than six (6) years and one (1) day but not more  
13 than twelve (12) years, and shall pay a fine of not less than One Million  
14 Pesos (P1,000,000.00) but not more than Two Million Pesos  
15 (P2,000,000.00);  
16

17 b. If the offender is a public official, in addition to the prescribed  
18 penalties, he or she shall be dismissed from service and shall suffer  
19 perpetual absolute disqualification to hold public office;  
20

21 c. If the offender is a corporation, partnership, association, or  
22 any juridical person, then the penalty shall be imposed upon the president,  
23 partner, manager, and/or any responsible officer of the organization who  
24 directly participated in the commission of the violation of this Act or who  
25 knowingly permitted its commission, or who, having knowledge of the  
26 perpetration of the violation of this Act, allowed its perpetuation and  
27 continuance; provided that, in every case, the criminal conviction of the  
28 liable officer(s) shall cause and carry the automatic revocation of the  
29 business license and/or special certificate of accreditation or certificate of  
30 registration of the corporation, partnership, association, or juridical person;  
31 and, provided further that, these entities and their officers who are  
32 criminally held liable for the violation of this Act shall not be allowed to  
33 operate similar establishments under different names;  
34

35 d. If the offender is an alien in Philippine territory, he or she  
36 shall, in addition to the penalties prescribed above, be deported after  
37 serving his or her sentence and be permanently barred from entering the  
38 country.  
39

40 **SECTION 6. *Prosecution of Cases.*** – Any person who has personal  
41 knowledge of a violation of this Act may file a complaint for Illegal  
42 Withholding of Passport.  
43

44 **SECTION 7. *Extra-Territorial Jurisdiction.*** – The provisions of this  
45 Act shall be enforced not only within the Philippines but also outside of  
46 Philippine territory, whether or not the act or acts constitute an offense at the  
47 place of commission, except to the extent that this may be limited by treaty  
48 obligations.  
49

1           **SECTION 8.** *Court of Proper Jurisdiction if Prohibited Act is*  
2 *Committed Outside the Philippines.* – If the prohibited act is committed  
3 outside Philippine territory, the Regional Trial Court where the criminal  
4 action is first filed shall take cognizance of the case to the exclusion of all  
5 other courts; provided that, no prosecution may be commenced against a  
6 person under this Act if a foreign government, in accordance with  
7 jurisdiction recognized by the Philippines, has prosecuted or is prosecuting  
8 such person for the same conduct constituting violation of this Act, except  
9 upon the approval of the Secretary of Justice.

10  
11           **SECTION 9.** *Separability Clause.* – Should any provision or part of  
12 this Act be declared unconstitutional, the other provisions or parts not  
13 affected thereby shall remain valid and effective.

14  
15           **SECTION 10.** *Repealing Clause.* – All laws, decrees, executive  
16 orders and issuances, and rules or regulations, or portions thereof, which are  
17 inconsistent with the provisions of this Act, are hereby repealed, amended,  
18 or modified accordingly.

19  
20           **SECTION 11.** *Effectivity.* – This Act shall take effect fifteen (15)  
21 days after its publication in the Official Gazette and two (2) newspapers of  
22 general circulation.

*Approved,*