

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

SENATE
S.B. NO. 1659

Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT ENHANCING PROTECTION FOR OVERSEAS FILIPINO WORKERS
IN THE CUSTODY OF GOVERNMENT OFFICERS/EMPLOYEES, AMENDING
FOR THIS PURPOSE REPUBLIC ACT 8042

EXPLANATORY NOTE


Accounts of Migrant Workers especially women being abused in the custody of Philippine government officials abroad continue to shock our senses. Section 2 of the Revised Penal Code ("Code") gives extraterritorial effect to the Code insofar as public officers and employees commit offenses therein in the exercise of their functions.

Art. 2. *Application of its provision.* – Except as provided in the treaties and laws of preferential application, the provisions of this Code shall be enforced not only within the Philippine Archipelago, including its atmosphere, its interior waters and maritime zone, but also outside of its jurisdiction, against those who:

1. Should commit an offense while on a Philippine ship or airship;
2. Should forge or counterfeit any coin or currency of the Philippine Islands or obligations and securities issued by the Government of the Philippine Islands;
3. Should be liable for acts connected with the introductions into these islands of the obligations and securities mentioned in the presiding number;
4. **While being public officers or employees, should commit an offense in the exercise of their functions;** or
5. Should commit any of the crimes against national security and the law of nations defined in Title One of Book Two of this Code.

There is serious doubt however if the extraterritorial effect given to the Code can sufficiently safeguard Migrant Workers from advances of unscrupulous government officials.

For the above reason, the passage of this Bill is earnestly requested.


MARIA LOURDES NANCY S. BINAY
Senator

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

1 **SECTION 1.** Section 8 of Republic Act 8042 is hereby amended to include a Section 8-
2 A as follows:

3
4 SEC. 8. PROHIBITION ON OFFICIALS AND EMPLOYEES. – It shall be
5 unlawful for any official or employee of the Department of Labor and
6 Employment, the Philippine Overseas Employment Administration, or the
7 Overseas Workers Welfare Administration, or the Department of Foreign Affairs,
8 or other government agencies involved in the implementation of this Act, or their
9 relatives within the fourth civil degree of consanguinity or affinity, to engage,
10 directly or indirectly, in the business of recruiting migrant workers as defined in
11 this Act. The penalties shall be imposed upon them.

12
13 SEC. 8-A. OFFICIALS OR EMPLOYEES OF THE DEPARTMENT OF
14 LABOR AND EMPLOYMENT, THE PHILIPPINE OVERSEAS
15 EMPLOYMENT ADMINISTRATION, OR THE OVERSEAS WORKERS
16 WELFARE ADMINISTRATION, OR THE DEPARTMENT OF FOREIGN
17 AFFAIRS, OR OTHER GOVERNMENT AGENCIES INVOLVED IN THE
18 IMPLEMENTATION OF THIS ACT THAT ARE STATIONED ABROAD
19 COMMITTING THE FOLLOWING VIOLATIONS OF SPECIAL LAW
20 AGAINST MIGRANT WORKERS IN THEIR CUSTODY SHALL BE
21 CRIMINALLY PROSECUTED IN THE PHILIPPINES:

- 22
23 (a) REPUBLIC ACT 7610 OR SPECIAL PROTECTION OF CHILDREN
24 AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION
25 ACT
26 (b) REPUBLIC ACT 9262 OR ANTI-VIOLENCE AGAINST WOMEN
27 AND THEIR CHILDREN ACT
28 (c) REPUBLIC ACT 9208 OR THE ANTI-TRAFFICKING IN PERSONS
29 ACT OF 2003

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- 1 (d) REPUBLIC ACT 9710 OR THE MAGNA CARTA OF WOMEN
2 (e) REPUBLIC ACT NO. 7877 OR THE ANTI-SEXUAL HARASSMENT
3 ACT OF 1995
4 (f) REPUBLIC ACT NO. 8353 OR THE ANTI-RAPE LAW OF 1997
5

6 **SECTION 2.** *Effectivity.* – This Act shall take effect fifteen (15) days after its publication
7 in at least two (2) newspapers of general circulation.
8

9 *Approved,*