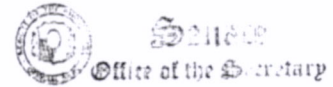
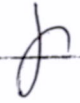


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



'18 APR 26 P2 :03

SENATE
S. No. 1785

RECEIVED BY: 

Introduced by **SENATOR LEILA M. DE LIMA**

**AN ACT
TO STRENGTHEN HUMAN RIGHTS EDUCATION
AND THE SYSTEM OF LEGAL ASSISTANCE FOR MIGRANT WORKERS,
AMENDING FOR THE PURPOSE SECTION 23 OF
REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE MIGRANT
WORKERS AND OVERSEAS FILIPINOS ACT OF 1995, AS AMENDED**

EXPLANATORY NOTE

Article XIII, Section 18(3) of the Constitution makes it a responsibility of the Commission on Human Rights (CHR) to “[p]rovide appropriate legal measures for the protection of human rights of all persons within the Philippines, as well as Filipinos residing abroad, and provide for preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection.”

Section 2(c) of Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, states in part that “[t]he existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizens shall not, at any time, be compromised or violated.”

However, despite the multitude of laws and conventions protecting migrant workers, abuses are still rampant, especially among the domestic employees. There continue to be reports of Filipino domestic workers suffering in the hands of their employers. One of them is Thelma Oyasan Gawidan, an Overseas Filipino Worker (OFW) in Singapore who was starved over a period of 15 months, where her weight dropped from 49kg to 29kg from being given only bread and instant noodles to eat. Gawidan testified in court that she was fed only small amounts of food twice a day and her requests for more food were denied, made to sleep in a storeroom, and allowed to

shower only once or twice a week. She was unable to seek help earlier as her employers had confiscated her mobile phone and passport.

Another notable incident is the case of Mary Jane Veloso, who was apprehended in an Indonesian airport on 29 April 2010, after authorities found 2.6 kilograms of heroin in her suitcase. She left the Philippines in the guise of employment, but little did she know she would fall prey to drug trafficking in the hands of her recruiter. She has been granted reprieve by the Indonesian government shortly before her scheduled execution after the surrender of her alleged illegal recruiter, Maria Kristina Sergio.

Abuse does not only happen to OFWs of legal age. Sarah Balabagan, a then-14-year-old who faked her age so she can work abroad, was found guilty of murder in 1995 for stabbing her employer to death 34 times. She alleged that he had tried to rape her and that she had been the subject of his unwanted sexual advances. Her sentence was later reduced to one-year imprisonment, 100 lashes of a cane and the payment of \$40,000 in blood money.

More recently, there is the case of Joanna Demafelis, a domestic worker whose body was found in a freezer in an abandoned apartment in Kuwait in early February 2018. An autopsy showed Demafelis had been physically maltreated and abused several times.

Expressions of indignation come with each abuse that gets reported, and the entire nation stands up for these unsung heroes. What our migrant workers need more, however, are strong and tight mechanisms under our laws to help ensure that abuses are prevented, remedied and/or mitigated. OFWs will remain vulnerable in the hands of illegal recruiters, abusive employers, and human traffickers if they are unaware of the full extent of their rights, and they are not provided with adequate legal assistance, confronted with the looming possibility of exposing them to situations that may have life-threatening consequences.

Republic Act No. 8042, otherwise known as the “Migrant Workers and Overseas Filipinos Act of 1995”, has been enforced for decades, but questions linger as regards the effectiveness of this measure in educating OFWs on human rights. How informed are migrant workers of their own rights? Do they know when a violation of their dignities is being committed against them? Does the Philippines send migrant workers who are fully prepared, and aware of existing laws in their receiving country?

And on the part of our official missions abroad, do we have an adequate and working system of providing legal assistance to OFWs who suffer or may have suffered from abuses?

The bill seeks to amend Section 23 of R.A. No. 8042, as amended by R.A. No. 10022, by including the CHR's role in human rights education of OFWs and in providing legal assistance to those in need. The CHR, also as Gender Ombud, is duty-bound to enhance comprehensive efforts to streamline human rights education programs for current and aspiring OFWs, in line with its function to implement preventive measures for Filipinos residing abroad who need protection. This bill seeks to strengthen CHR's Constitutional mandate, by legislating the mechanism that will ensure the continuing education and information dissemination among OFWs on human rights from the point of pre-departure to actual deployment, and its periodic monitoring. It also seeks to legislate the active involvement and coordination of the CHR in the government's provision of legal assistance to the OFWs.

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


LEILA M. DE LIMA



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AMENDING FOR THE PURPOSE SECTION 23 OF
REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE MIGRANT
WORKERS AND OVERSEAS FILIPINOS ACT OF 1995, AS AMENDED**

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

1 SECTION 1. Under Section 23 of Republic Act No. 8042, as amended by
2 Republic Act No. 10022, add new paragraph (e) to read as follows:

3 "SEC. 23. ROLE OF GOVERNMENT AGENCIES. – The following
4 government agencies shall perform the following to promote the
5 welfare and protect the rights of migrant workers and, as far as
6 applicable, all overseas Filipinos:

7 xxx

8 (d) Local Government Units. – In the fight against illegal
9 recruitment, the local government units (LGUs), in partnership with
10 the POEA, other concerned government agencies, and non-
11 government organizations advocating the rights and welfare of
12 overseas Filipino workers, shall take a proactive stance by being
13 primarily responsible for the dissemination of information to their
14 constituents on all aspects of overseas employment. To carry out this
15 task, the following shall be undertaken by the LGUs:

1 (d.1) Provide a venue for the POEA, other concerned government
2 agencies and non-government organizations to conduct PEOS to
3 their constituents on a regular basis;

4 (d.2) Establish overseas Filipino worker help desk or kiosk in their
5 localities with the objective of providing current information to
6 their constituents on all the processes and aspects of overseas
7 employment. Such desk or kiosk shall, as far as practicable, be fully
8 computerized and shall be linked to the database of all concerned
9 government agencies, particularly the POEA for its updated lists of
10 overseas job orders and licensed recruitment agencies in good
11 standing.

12 **(E) COMMISSION ON HUMAN RIGHTS. – THE**
13 **COMMISSION ON HUMAN RIGHTS (CHR) SHALL**
14 **DEVELOP AND MONITOR A HUMAN RIGHTS**
15 **EDUCATION PROGRAM FOR OVERSEAS FILIPINO**
16 **WORKERS, IN LINE WITH ITS FUNCTION TO ESTABLISH**
17 **A CONTINUING PROGRAM OF RESEARCH, EDUCATION,**
18 **AND INFORMATION TO ENHANCE RESPECT FOR THE**
19 **PRIMACY OF HUMAN RIGHTS. IN PARTNERSHIP WITH**
20 **THE POEA, THE DFA, THE DOLE AND OTHER**
21 **CONCERNED GOVERNMENT AGENCIES. THE PROGRAM**
22 **WILL SUPPLEMENT THE PRE-DEPARTURE AND THE**
23 **POST-ARRIVAL ORIENTATION SEMINARS BY**
24 **INTEGRATING HUMAN RIGHTS EDUCATION IN THE**
25 **AGENCIES' RESPECTIVE PROGRAMS.**

26 **THE CHR, AS GENDER OMBUD, SHALL ALSO PROMOTE**
27 **THE PRIMACY OF HUMAN RIGHTS OF WOMEN AND**
28 **PERSONS WITH DIVERSE SEXUAL ORIENTATION OR**
29 **GENDER IDENTITY THROUGH RESEARCH, EDUCATION**
30 **AND INFORMATION.**

31 **LIKewise, THE OFFICIAL MISSIONS ABROAD,**
32 **INCLUDING EMBASSIES AND CONSULATES, ARE**
33 **HEREBY MANDATED TO ACTIVELY INVOLVE THE CHR**

1 **IN THEIR SYSTEM AND PROVISION OF LEGAL**
2 **ASSISTANCE TO OUR MIGRANT WORKERS. ON ITS**
3 **PART, AND IN COORDINATION WITH THE CONCERNED**
4 **UNIT AND PERSONNEL OF OUR MISSIONS ABROAD,**
5 **THE CHR SHALL EXERT UTMOST EFFORTS TO FULFILL**
6 **ITS CONSTITUTIONAL MANDATE OF PROVIDING FOR**
7 **PREVENTIVE MEASURES AND LEGAL AID ASSISTANCE**
8 **TO THE WORKERS WHO ARE IN NEED OF PROTECTION**
9 **OR REDRESS FROM ABUSES AND VIOLATIONS OF**
10 **HUMAN RIGHTS.”**

11 SEC. 2. *Repealing Clause.* — Any law, presidential decree or issuance, executive
12 order, letter of instruction, rule or regulation inconsistent with the provisions of this
13 Act is hereby repealed or modified accordingly.

14 SEC. 3. *Separability Clause.* — If, for any reason, any section or provision of
15 this Act is held unconstitutional or invalid, the other sections or provisions hereof shall
16 not be affected and thereby remain in full force and effect.

17 SEC. 4. *Effectivity Clause.* — This Act shall take effect fifteen (15) days following
18 its publication in the Official Gazette or in two (2) newspapers of general circulation
19 in the Philippines.

 Approved,