


'19 JUL -4 A9 :27

SENATE

S. No. 230

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Introduced by SENATOR RONALD "BATO" DELA ROSA

AN ACT
EXPANDING THE USE OF LEGAL ASSISTANCE FUND, AMENDING FOR THE
PURPOSE SECTION 26 OF REPUBLIC ACT NO. 8042, OTHERWISE KNOWN
AS THE "MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995", AS
AMENDED, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Senator Joseph Victor G. Ejercito introduced the proposed measure during the Sixteenth and Seventeenth Congress. His intention of filing this bill was to institute a higher standard of safety and promotion of the welfare of migrant workers and their families, thru the expansion of the coverage of the Legal Assistance Fund.

The enactment into law of Republic Act (RA) No. 8042 was lauded as it embodied the constitutional provision of affording full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. The same law also mentioned that it is imperative that an effective mechanism be instituted to ensure that the rights and interest of distressed overseas Filipinos, documented or undocumented, are adequately protected and safeguarded.

However, the legal services in RA 8042 is very limited and seems inadequate to address the needs of our migrant workers. It cannot serve to protect and safeguard the rights of migrant workers if the use for this services is restricted.

As such, I agree with Senator JV Ejercito that there is a need to expand the scope of use and availment of the Legal Assistance Fund. It needs to be available to our distressed Filipino migrant workers from the time of arrest, at every step of administrative or judicial proceedings and until the last remedy he/she can availed of.

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


RONALD "BATO" DELA ROSA

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

1 Section 1. Section 26 of Republic Act No. 8042, otherwise known as the
2 "Migrant Workers and Overseas Filipinos Act of 1995", as amended by Republic Act
3 No. 10022, is hereby amended as follows:

4 SEC. 26. Uses of the Legal Assistance Fund. - The Legal Assistance Fund
5 created under the preceding section shall be used exclusively to provide legal
6 services to migrant workers and overseas Filipinos in distress in accordance
7 with the guidelines, criteria and procedures promulgated in accordance with
8 Section 24 (a) hereof. The expenditures to be charged against the Fund shall
9 include the fees for the foreign lawyers to be hired by the Legal Assistant for
10 Migrant Workers Affairs to represent migrant workers facing charges or in filing
11 cases against erring or abusive employers abroad, bail bonds to secure the
12 temporary releases and other litigation expenses;

13 **PROVIDED, THAT THE LEGAL ASSISTANCE FUND SHALL AT ALL**
14 **TIMES BE MADE AVAILABLE AT THE TIME OF THE ARREST OR**
15 **CHARGING ALL THE WAY TO THE TRIAL PROPER AND AT ALL LEVELS**
16 **OF APPEAL FOR MIGRANT WORKERS FACING CHARGES ABROAD;**

1 Provided, That at the end of every year, the Department of Foreign
2 Affairs shall include in its report to Congress, as provided for under Section 33
3 of this Act, the status of the Legal Assistance Fund, including the expenditures
4 from the said fund duly audited by the Commission on Audit (COA);

5 Provided, further, That the hiring of foreign legal counsels, when
6 circumstances warrant urgent action, shall be exempt from the coverage of
7 Republic Act No. 9184 or the Government Procurement Act."

8 *Sec. 2. Repealing Clause.* - Any law, presidential decree or issuance, executive
9 order, letter of instruction, rule or regulation inconsistent with the provisions of this
10 Act is hereby repealed or modified accordingly.

11 *Sec. 3. Effectivity.* - This Act shall take effect fifteen (15) days following its
12 complete publication in a newspaper of general circulation.

Approved,