

**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**



'22 AUG 15 P 6 :23

**SENATE
S. No. 1175**

RECEIVED BY:

Introduced by **Senator Francis "Tol" N. Tolentino**

**AN ACT
ENCOURAGING NEW LAWYER-SCHOLARS TO PROVIDE FREE LEGAL
SERVICES TO OVERSEAS FILIPINO WORKERS UNDER THE DEPARTMENT
OF MIGRANT WORKERS, AMENDING REPUBLIC ACT (R.A.) NO. 11641,
OTHERWISE KNOWN AS THE "DEPARTMENT OF MIGRANT WORKERS ACT,"
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Article II, Section 18 of the 1987 Constitution provides that the State affirms labor as a primary social economic force and that it shall protect the rights of the workers and promote their welfare. Further, Article XIII, Section 3 of the same dictates that the State shall afford full protection to labor, local or overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. Finally, Article III, Section 11 of the 1987 Constitution also states that adequate legal assistance shall not be denied to any person by reason of poverty.

On 30 December 2021, President Rodrigo Roa Duterte signed into law Republic Act (R.A.) No. 11641 creating the Department of Migrant Workers (DMW), which endeavors to protect the right and promote the welfare of OFWs and their families by providing timely and responsive services to address their needs regardless of legal status. As of 2020, the number of OFWs was estimated at 1.77 million according to the Philippine Statistics Office. The DMW seeks to protect these OFWs by providing assistance to them whenever needed. R.A. 11641, recognizing the problems OFWs are

facing nowadays, established the Agarang Kalinga at Saklolo para sa mga OFW na Nangangailangan (AKSYON) Fund that can be used to provide legal, medical, financial, and other forms of assistance to OFWs.

One of the objectives of R.A. 11641 is to provide legal assistance to OFWs in need. The bar examinations conducted annually allows for the admission of at least a thousand new lawyers to the profession with some graduating as scholars. These newly-minted lawyer-scholars may be tapped by the DMW to fulfill its mandate of providing free legal assistance to OFWs.

Thus, this measure seeks to amend R.A. 11641 giving the DMW, specifically the Office of the Undersecretary for Foreign Employment and Welfare Services who is tasked to administer the AKSYON Fund, the additional function of coordinating with different law schools to craft programs that will encourage their new lawyer-scholars to provide free legal services to OFWs in need.

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



FRANCIS "TOL" N. TOLENTINO

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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 9 of R.A. 11641 is hereby amended to read as follows:

2 "Section 9. Structure of the Department. – The Secretary shall be assisted by
3 no more than four (4) Undersecretaries and by the Assistant Secretaries provided
4 under this Act. The Secretary shall have the authority to assess and evaluate, and on
5 the basis of which, transfer, delineate, reassign, or reorganize the functional areas or
6 responsibilities of each office as he or she may deem necessary.

7 The following offices are hereby created, each to be headed by an
8 Undersecretary and assisted by other officers and staff:

9 x x x

10 (b) Office of the Undersecretary for Foreign Employment and Welfare Services. The
11 Office of the Undersecretary for Foreign Employment and Welfare Services shall take
12 over the functions of the POEA Deputy Administrator for Employment and Welfare. It

1 shall also subsume all the functions of the Office of the Undersecretary for Migrant
2 Workers' Affairs (OUMWA) under the DFA. It shall have the following additional
3 functions:

4 (1) Advise and assist the Secretary in the formulation of the Department's
5 overall long-term and short-term plans and programs on overseas employment;

6 (2) Undertake program and policy coordination with the OWWA;

7 (3) Provide prompt and appropriate response to global emergencies or crisis
8 situations affecting OFWs, and members of their families, including, but not limited to,
9 assistance to nationals (ATN) and other services, without prejudice to reimbursement
10 by the responsible principal employer or recruitment or manning agency, in
11 accordance with law;

12 (4) Administer the AKSYON Fund provided under Section 14 hereof and
13 authorize disbursements therefrom in accordance with this Act;

14 (5) Ensure effective coordination and cooperation with other government
15 agencies and the Philippine Foreign Service Posts in the provision of legal assistance
16 and other ATN services utilizing the AKSYON Fund;

17 (6) Tap the assistance of the Integrated Bar of the Philippines, other bar
18 associations, legal experts on labor, migration, and human rights laws,
19 reputable law firms, civil society organizations, and the private sector, as
20 appropriate, to complement government services and resources to provide
21 legal and other forms of assistance to OFWs in distress;

22 **(7) COORDINATE WITH DIFFERENT LAW SCHOOLS, AS IDENTIFIED BY THE**
23 **DEPARTMENT, TO CRAFT PROGRAMS ENCOURAGING THEIR SCHOLARS**
24 **AFTER BECOMING FULL-FLEDGED LAWYERS TO PROVIDE FREE LEGAL**
25 **ASSISTANCE TO OFWS IN NEED;**

26 ~~7~~**(8)** Manage and supervise the Migrant Workers Office as created under Section
27 15 of this Act;

28 ~~8~~**(9)** Develop and monitor the implementation of a full-cycle national reintegration
29 program under Section 17 of this Act;

1 ~~9~~**(10)** Exercise control and supervision over the Assistant Secretary heading each
2 of the following: (i) Welfare and Employment Office; (ii) Pre-Employment Service
3 Office; and (iii) the National Reintegration Center for OFWs (NRCO) as provided under
4 Section 17 of this Act;

5 ~~10~~**(11)** Perform such other functions as may be provided by law or assigned by
6 the Secretary.

7 x x x

8 **Section 2. Separability Clause.** – If any portion or provision of this Act is
9 declared void and unconstitutional, the remaining portions or provisions hereof shall
10 not be affected by such declaration.

11 **Section 3. Repealing Clause.** – All laws, decrees, orders, rules and
12 regulations, other issuances, or parts thereof inconsistent with the provisions of this
13 Act are hereby repealed or modified accordingly.

14 **Section 4. Effectivity Clause.** – This Act shall take effect fifteen (15) days
15 after its complete publication in the Official Gazette or in a newspaper of general
16 circulation.

Approved,