

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

6 AUG -2 2011

SENATE
S. No. 2430

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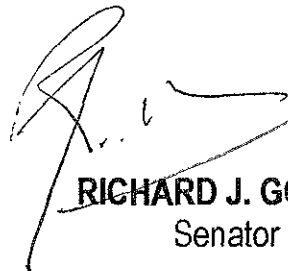
Introduced by **Senator Richard J. Gordon**

EXPLANATORY NOTE

There are about two million Overseas Filipino Workers (OFWs) all over the world which the Government is mandated to adequately protect and safeguard under Republic Act No. 8042 or the Migrant Workers and Overseas Filipinos Act of 1995 (RA 8042). However, the Government seems incapable to effectively and efficiently assist distressed OFWs whenever situations, like the current war in Lebanon, happen.

An estimated 34,000 OFWs in Lebanon are under threat due to the war and the Government's repatriation efforts of these OFWs have clearly been inadequate. This bill intends to provide the necessary measures for the government to carry out its responsibilities to assist distressed OFWs in cases of war, epidemic, disaster or calamities, natural or man-made, and other similar events, and promote their general welfare.

This bill proposes amendments to RA 8042 to raise the necessary resources for the Emergency Repatriation Fund for OFWs in cases of war, epidemic, disaster or calamities, natural or man-made, and other similar events, so that OFWs can be speedily repatriated and kept out of harm's way at the soonest possible time. It also proposes to establish and maintain an up-to-date database and locator system of OFWs necessary for their repatriation, as well as the necessary disaster preparedness and mitigation measures, should misfortune happen, through the Migrant Workers and Other Overseas Filipinos Resource Centers in various Philippine embassies all over the world.



RICHARD J. GORDON
Senator

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Introduced by **Senator Richard J. Gordon**

**AN ACT AMENDING REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS
THE MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995**

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

1 SECTION 1. Section 15 of Republic Act No. 8042, otherwise known as the Migrant
2 Workers and Overseas Filipinos Act of 1995, is hereby amended to read as follows:

3 "Sec. 15. *Repatriation of Workers; Emergency Repatriation Fund.* –

4 The repatriation of the worker and the transport of his personal belongings
5 shall be the primary responsibility of the agency which recruited or deployed
6 the worker overseas. All costs attendant to repatriation shall be borne by or
7 charged to the agency concerned and/or its principal. Likewise, the
8 repatriation of remains and transport of the personal belongings of a
9 deceased worker and all costs attendant thereto shall be borne by the
10 principal and/or the local agency. However, in cases where the termination of
11 employment is due solely to the fault of the worker, the principal/employer or
12 agency shall not in any manner be responsible for the repatriation of the
13 former and/or his belongings.

14 The Overseas Workers Welfare Administration (OWWA), in
15 coordination with appropriate international agencies, shall undertake the
16 repatriation of workers in cases of war, epidemic, disaster or calamities,
17 natural or man-made, and other similar events without prejudice to
18 reimbursement by the responsible principal or agency. However, in cases
19 where the principal or recruitment agency cannot be identified, all costs
20 attendant to repatriation shall be borne by the OWWA.

1 For this purpose, there is hereby created and established an
2 emergency repatriation fund under the administration, control and supervision
3 of the OWWA, initially to consist of One hundred million pesos
4 (P100,000,000.00), which shall be taken from the existing fund controlled and
5 administered by the OWWA. Thereafter, such fund shall be provided for in
6 the General Appropriations Act from year to year: *Provided, That the amount*
7 *appropriated shall in no case be less than One hundred million pesos*
8 *(P100,000,000.00), inclusive of outstanding balances. IN ADDITION TO THE*
9 *OBLIGATION TO REPATRIATE ITS WORKERS, THE RECRUITMENT*
10 *AGENCY OR ITS PRINCIPAL SHALL CONTRIBUTE AN AMOUNT TO BE*
11 *DETERMINED BY OWWA OF NOT LESS THAN FIFTY DOLLARS*
12 *(US\$50.00) BUT NOT MORE THAN ONE HUNDRED (US\$100.00) FOR*
13 *EVERY WORKER RECRUITED OR DEPLOYED OVERSEAS TO OWWA'S*
14 *EMERGENCY REPATRIATION FUND."*

15 Sec. 2. Section 19 of Republic Act No. 8042, otherwise known as the Migrant
16 Workers and Overseas Filipinos Act of 1995, is hereby amended to read as follows:

17 "Sec. 19. *Establishment of a Migrant Workers and Other Overseas*
18 *Filipinos Resource Center.* – Within the premises and under the
19 *administrative jurisdiction of the Philippine Embassy in countries where there*
20 *are large concentrations of Filipino migrant workers, there shall be*
21 *established a Migrant Workers and Other Overseas Filipinos Resource*
22 *Center with the following services:*

23 (a) *Counseling and legal services;*

24 (b) *Welfare, DISASTER, AND EMERGENCY assistance, including RESCUE,*
25 *RELIEF, AND REHABILITATION SERVICES AS WELL AS the*
26 *procurement of medical and hospitalization services;*

27 (c) *Information, advisory and programs to promote social integration, such as*
28 *post-arrival orientation, settlement and community networking services*
29 *and activities for social interaction;*

30 (d) *Institute a scheme of registration of undocumented workers to bring them*
31 *within the purview of this Act. For this purpose, the Center is enjoined to*
32 *compel [existing] undocumented workers to register with it within six (6)*
33 *months from the effectivity of this AMENDATORY Act OR TWO WEEKS*

1 FROM THEIR ARRIVAL IN THEIR PLACE OF WORK ABROAD, under
2 pain of having his/her passport cancelled;

3 (e) Human resource development, such as training and skills upgrading;

4 (f) Gender sensitive programs and activities to assist particular needs of
5 women migrant workers;

6 (g) Orientation program for returning workers and other migrants; [and]

7 (h) Monitoring of daily situations, circumstances and activities affecting
8 migrant workers and other overseas Filipinos[.];

9 (I) INFORMATION, ADVISORY, AND PROGRAMS TO ENHANCE
10 DISASTER PREPAREDNESS AND MITIGATION MEASURES IN CASES
11 OF WAR, EPIDEMIC, DISASTER OR CALAMITIES, NATURAL OR MAN-
12 MADE, AND OTHER SIMILAR EVENTS; AND

13 (J) MAINTAIN AN UP-TO-DATE DATABASE AND LOCATOR SYSTEM OF
14 MIGRANT WORKERS AND OTHER OVERSEAS FILIPINOS FOR THEIR
15 NEEDED REPATRIATION, ESPECIALLY IN CASES OF WAR,
16 EPIDEMIC, DISASTER OR CALAMITIES, NATURAL OR MAN-MADE,
17 AND OTHER SIMILAR EVENTS.

18
19 Sec. 3. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or other
20 issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or
21 modified accordingly.

22 Sec. 4. *Separability Clause.* – If any portion or provision of this Act is declared
23 unconstitutional, the remainder of this Act or any provision not affected thereby shall remain
24 in force and effect.

25 Sec. 5. *Effectivity.* – This Act shall take effect after fifteen (15) days following the
26 completion of its publication either in the Official Gazette or in a newspaper of general
27 circulation in the Philippines.

28 Approved,