

SENATE

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*Prepared by the Committees on Labor, Employment and Human Resources, Development, Foreign Relations and Finance with Senators Leopoldo Gordon, Ejerico Estrada, Villar, Revilla, Santiago and Angara as authors thereof*

AN ACT

AMENDING REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE MIGRANT WORKERS ACT OF 1995, AS AMENDED, FURTHER IMPROVING THE STANDARD OF PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS, THEIR FAMILIES AND OVERSEAS FILIPINOS IN DISTRESS, AND FOR OTHER PURPOSES

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

1           **SEC. 1. Short Title.** - This Act shall be known and cited as the "Migrant  
2 *Workers and Overseas Filipinos Act of 2009*".

3           **SEC. 2. Declaration of Policies.** – (a) In the pursuit of an independent foreign  
4 policy and while considering national sovereignty, territorial integrity, national  
5 interest and the right to self-determination paramount in its relations with other States,  
6 the State shall, at all times, uphold the dignity of its citizens whether in the country or  
7 overseas, in general, and Filipino migrant workers, in particular, **CONTINUOUSLY**  
8 **MONITOR INTERNATIONAL CONVENTIONS, ADOPT/BE SIGNATORY**  
9 **TO AND RATIFY THOSE THAT GUARANTEE PROTECTION TO OUR**  
10 **MIGRANT WORKERS, AND ENDEAVOR TO ENTER INTO BILATERAL**  
11 **AGREEMENTS WITH COUNTRIES HOSTING OFWs.**

12 (b) The State shall afford full protection to labor, local and overseas, organized and  
13 unorganized, and promote full employment and equality of employment opportunities  
14 for all. Towards this end, the State shall provide adequate and timely social, economic  
15 and legal services to Filipino migrant workers.

1 (c) While recognizing the significant contribution of Filipino migrant workers to the  
2 national economy through their foreign exchange remittances, the State does not  
3 promote overseas employment as a means to sustain economic growth and achieve  
4 national development. The existence of the overseas employment program rests solely  
5 on the assurance that the dignity and fundamental human rights and freedoms of the  
6 Filipino citizen shall not, at any time, be compromised or violated. The State  
7 therefore, shall continuously create local employment opportunities and promote the  
8 equitable distribution of wealth and the benefits of development.

9 (d) The State affirms the fundamental equality before the law of women and men and  
10 the significant role of women in nation building. Recognizing the contribution of  
11 overseas migrant workers and their particular vulnerabilities, the State shall apply  
12 gender sensitive criteria in the formulation and implementation of policies and  
13 programs affecting migrant workers and the composition of bodies tasked for the  
14 welfare of the migrant workers.

15 (e) Free access to the courts and the quasi-judicial bodies and adequate legal  
16 assistance shall not be denied to any person by reason of poverty. In this regard, it is  
17 imperative that an effective mechanism be instituted to ensure that the rights and  
18 interest of distressed overseas Filipinos in general, and **REGULAR OR**  
19 **IRREGULAR** Filipino migrant workers, in particular, documented or undocumented,  
20 are adequately protected and safeguarded.

21 (f) The right of Filipino migrant workers and all overseas Filipinos to participate in  
22 the democratic decision-making process of the State and to be represented in  
23 institutions relevant to overseas employment is recognized and guaranteed.

24 (g) The State recognizes that the **MOST EFFECTIVE TOOL FOR**  
25 **EMPOWERMENT IS POSSESSION OF SKILLS BY** [ultimate protection to all]  
26 migrant workers. [is the possession of skills]. Pursuant to this [and as soon as  
27 practicable], the government shall [deploy and/or allow the deployment only to skilled  
28 Filipino workers] **PROVIDE FREE AND ACCESSIBLE SKILLS**  
29 **DEVELOPMENT AND ENHANCEMENT PROGRAMS.**

1 (h) **THE STATE RECOGNIZES** Non-governmental organizations, **TRADE**  
2 **UNIONS, ASSOCIATIONS, STAKEHOLDERS AND OTHER ENTITIES**  
3 duly recognized as legitimate, are partners of the State in the protection of Filipino  
4 migrant workers and in the promotion of their welfare. The State shall cooperate with  
5 them in the spirit of trust and mutual respect. **THE SIGNIFICANT**  
6 **CONTRIBUTIONS OF THE RECRUITMENT AND MANNING AGENCIES**  
7 **SHALL FORM PART OF THIS PARTNERSHIP.**

8 (i) Government fees and other administrative costs of recruitment, introduction,  
9 placement and assistance to migrant workers shall be rendered free without prejudice  
10 to the provision of Section 36 hereof.

11 [Nonetheless, the deployment of Filipino overseas workers, whether land-based or  
12 sea-based by local service contractor and manning agencies employing them shall be  
13 encouraged. Appropriate incentives may be extended to them.]

14 Section 3. Section 3 of RA No. 8042 is hereby amended to read as follows:

15 **“SEC. 3. Definitions.** – For purpose of this Act:

16 (a) [“Migrant worker”] **“OVERSEAS FILIPINO WORKER”** refers to a person  
17 who is to be engaged, is engaged or has been engaged in a remunerated activity in a  
18 state of which he or she is not a legal resident. **OR ON BOARD A VESSEL**  
19 **ENGAGED IN INTERNATIONAL TRADE;** to be used interchangeably with  
20 [overseas Filipino worker] **MIGRANT WORKERS.**

21 (b) **“Gender-sensitivity”** shall mean cognizance of the inequalities and inequities  
22 prevalent in society between women and men and a commitment to address issues  
23 with concern for the respective interest in the sexes.

24 (c) **“Overseas Filipinos”** refers to dependents of migrant workers and other Filipino  
25 nationals abroad who are in distress as mentioned in Sections 24 and 26 of this Act

26 (d) **PERIOD OF DEPLOYMENT-** REFERS TO THE PERIOD FROM THE

1 **SIGNING OF THE CONTRACT FOR OVERSEAS EMPLOYMENT UP TO**  
2 **THE DATE OF THE ACTUAL DEPARTURE OF THE OVERSEAS FILIPINO**  
3 **WORKER FROM THE PHILIPPINES.**

4

5 **(e) COMMENCEMENT OF EMPLOYMENT- REFERS TO THE DATE OF**  
6 **THE ACTUAL DEPARTURE OF THE OVERSEAS FILIPINO WORKER**  
7 **FROM THE PHILIPPINES FOR THE COUNTRY OF WORK.**

8 **(f) TRAFFICKING OF PERSONS SHALL MEAN THE RECRUITMENT,**  
9 **TRANSPORTATION, TRANSFER, HARBORING OR RECEIPT OF**  
10 **PERSONS, BY MEANS OF VIOLENCE, COERCION, DECEPTION OR**  
11 **ABUSE OF AUTHORITY FOR PURPOSES OF EXPLOITATION.**

12 **(g) EXPLOITATION SHALL INCLUDE AT THE MINIMUM, ALL FORMS**  
13 **OF SEXUAL EXPLOITATION, FORCED LABOR OR SERVICES, SLAVERY**  
14 **OR PRACTICES SIMILAR TO SLAVERY OR INVOLUNTARY**  
15 **SERVITUDE.**

16 Section 4. Section 4 of R. A. 8042 is hereby amended to read as follows:

17

18 **“SEC. 4. *Deployment of Migrant Workers.* – The State shall [deploy]**  
19 **ALLOW DEPLOYMENT OF** overseas Filipino workers only in countries where the  
20 rights of Filipino migrant workers are protected. The government recognizes any of  
21 the following as a guarantee on the part of the receiving country for the protection and  
22 the rights of overseas Filipino workers:

23 (a) It has existing labor and social laws protecting the rights of migrant workers;

24 (b) It is a signatory to multilateral conventions, declarations or resolutions relating to  
25 the protection of migrant workers;

26 (c) It has concluded a bilateral agreement or arrangement with the government  
27 protecting the rights as overseas Filipino workers[; and

1 (d) It is taking positive, concrete measures to protect the rights of migrant workers.]

2 “IN THE ABSENCE OF A CLEAR SHOWING THAT ANY OF THE  
3 GUARANTEES ENUMERATED UNDER THIS ACT EXIST IN THE  
4 COUNTRY OF DESTINATION OF THE MIGRANT WORKERS, OR IF THE  
5 DEPARTMENT OF FOREIGN AFFAIRS AND THE DEPARTMENT OF  
6 LABOR AND EMPLOYMENT FAILED TO REPORT TO CONGRESS THE  
7 INFORMATION REQUIRED UNDER SECTION 33 OF THIS ACT, IT  
8 SHALL BE UNLAWFUL FOR ANY OFFICIAL OR EMPLOYEE OF THE  
9 DEPARTMENT OF LABOR AND EMPLOYMENT TO ISSUE THE  
10 NECESSARY PERMIT FOR THE DEPLOYMENT OF MIGRANT  
11 WORKERS.”

12 THE OFFICIAL OR EMPLOYEE OF THE GOVERNMENT WHO  
13 WILFULLY AND GROSSLY VIOLATES THE PROVISION OF THE  
14 IMMEDIATELY PRECEDING PARAGRAPH SHALL BY SUBSTANTIAL  
15 EVIDENCE IN A PROPER ADMINISTRATIVE PROCEEDING, BE  
16 REMOVED OR DISMISSED FROM SERVICE WITH DISQUALIFICATION  
17 TO HOLD ANY APPROPRIATE FOR FIVE (5) YEARS” EEA FURTHER, THE  
18 STATE SHALL ALLOW THE DEPLOYMENT OF OVERSEAS FILIPINO  
19 WORKERS WHO ARE INTERNATIONAL SEAFARERS ONLY TO  
20 INTERNATIONAL SEA-GOING VESSELS WHICH ARE COMPLYING  
21 WITH INTERNATIONAL LAWS AND STANDARDS.

22 “SEC. 5. *Termination or Ban in Deployment*- Notwithstanding the provisions  
23 of Section 4 hereof, the government, in pursuit of the national interest or when public  
24 welfare so requires, may, at any time, terminate or impose a ban on the deployment of  
25 migrant workers.

26 Section 6. Section 6 of RA No. 8042 is hereby amended to read as follows.

27 “SEC. 6. *Definition*. – For purposes of this Act, illegal recruitment shall  
28 mean:

1 (1) any act of canvassing, enlisting, contracting, transporting, utilizing, hiring,  
2 or  
3 procuring workers and includes referring, contract services, promising or advertising  
4 for employment abroad, **OR ON BOARD INTERNATIONAL SEA-GOING**  
5 **VESSEL/S** whether for profit or not, when under-taken by a non license or holder of  
6 authority contemplated under article 13 (f) of Presidential Decree No. 442, as  
7 amended, otherwise known as the Labor Code of the Philippines: Provided, That any  
8 such non-licensee or non-holder who, in any manner, offers or promises for a fee  
9 abroad **OR ON BOARD INTERNATIONAL SEA-GOING VESSEL/S** to two or  
10 more persons shall be deemed so engaged.

11 (2) It shall likewise include any of the following acts, whether committed by  
12 any person, whether a non-licensee, non-holder, licensee or holder of  
13 authority:

14 (a) To charge or accept directly or indirectly any amount greater than that specified in  
15 the schedule of allowable fees prescribed by the Secretary of the Labor and  
16 Employment, or to make a worker pay any amount greater than that actually received  
17 by him as a loan or advance; **OR TO MAKE THE WORKER ISSUE**  
18 **POSTDATED CHECKS IN RELATION TO THE RECRUITMENT;**

19 (b) To furnish or publish any false notice or information or document in relation to  
20 recruitment or employment;

21 (c) To give any false notice testimony, information, document, or commit any act of  
22 misrepresentation for the purpose of securing a license or authority under the Labor  
23 Code;

24 (d) To induce or attempt to induce a worker already employed to quit his employment  
25 in order to offer him another unless the transfer is designed to liberate a worker from  
26 oppressive terms and conditions of employment;

27 (e) To influence or attempt to influence any person or entity not to employ any worker  
28 who has not applied for employment to his agency [;], **OR WHO FORMS, JOINS,**

1 **OR SUPPORTS, OR HAS CONTACTED OR IS SUPPORTED BY ANY**  
2 **UNION OR WORKERS' ORGANIZATION;**

3 (f) To engage in the recruitment or placement of workers in jobs harmful to public  
4 health or morality or to the dignity of the Republic of the Philippines;

5 (g) To obstruct or attempt to obstruct inspection by the Secretary of Labor and  
6 Employment or by his duly authorized representative;

7 (h) To fail to submit reports on the status of employment, placement vacancies,  
8 remittance of foreign exchange earnings, separation from the jobs, departures and  
9 such other matters or information as may be required by the Secretary of Labor and  
10 Employment;

11 (i) To substitute or alter to the prejudice of the worker, employment contracts  
12 approved and verified by the Department of Labor and Employment from the time of  
13 actual signing thereof by the parties up to and including the period of the expiration of  
14 the same without the approval of the Department of Labor and Employment;

15 (j) For an officer or agent of a recruitment or placement agency to become an officer  
16 or member of the Board of any corporation engaged in travel agency or to be engaged  
17 directly or indirectly in the management of a travel agency;

18 (k) To withhold or deny travel documents from applicant workers before departure for  
19 monetary or financial considerations, **OR FOR ANY OTHER REASON** other than  
20 those authorized under the Labor Code and its implementing rules and regulations;

21 (l) Failure to actually deploy without valid reasons [as determined by the Department  
22 of Labor and Employment]; and

23 (m) Failure to reimburse expenses incurred by the worker in connection with his  
24 documentation and processing for purposes of deployment, in cases where the  
25 deployment does not actually take place without the worker's fault.

1 **(N) TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN**  
2 **CAN BE FILED SIMULTANEOUSLY WITH** Illegal recruitment when committed  
3 by a syndicate or in a large scale shall be considered an offense involving economic  
4 sabotage.

5 Illegal recruitment is deemed committed by a syndicate if carried out by a group of  
6 three (3) or more persons conspiring or confederating with one another. It is deemed  
7 committed in large scale if committed against three (3) or more persons individually  
8 or as a group.

9 The persons criminally liable for the above offenses are the principals, accomplices  
10 and accessories. In the case of juridical persons, the officers having control,  
11 management or direction of their business shall be liable.

12 Section 7. Section 7 of R. A. No. 8042 is hereby amended to read as follows:

13 **“Section. 7. Penalties. – (a) Any person WITH A LICENSE OR**  
14 **AUTHORITY** found guilty of illegal recruitment shall suffer the penalty of  
15 imprisonment of not less than six (6) years and one (1) day but not more than twelve  
16 (12) years and a fine of not less than Two hundred thousand pesos (P200,000.00) nor  
17 more than Five hundred thousand pesos (P500,000.00). **CONVICTION SHALL**  
18 **CAUSE AND CARRY THE AUTHOMATIC REVOCATION OF THE**  
19 **LICENSE OR AUTHORITY AND ALL PERMITS AND PRIVILEGES**  
20 **GRANTED TO SUCH PERSON OR ENTITY (b) ANY PERSON WITHOUT**  
21 **LICENSE OR AUTHORITY FOUND GUILTY OF ILLEGAL**  
22 **RECRUITMENT SHALL SUFFER THE PENALTY OF IMPRISONMENT**  
23 **FOR NOT LESS THAN TWELVE (12) YEARS AND A FINE OF NOT LESS**  
24 **THAN FIVE HUNDRED THOUSAND PESOS (5000,000.00) NOR MORE**  
25 **THAN FIVE MILLION PESOS (5,000.000.00) [b] (c) The penalty of life**  
26 imprisonment and a fine of not less than Five hundred thousand pesos (500,000.00)  
27 nor more than One million pesos (P1, 000,000.00) shall be imposed if illegal  
28 recruitment constitutes an economic sabotage as defined herein.



1 Provided, However, That the maximum penalty shall be imposed if the person  
2 illegally recruited is less than eighteen (18) years of age or committed **FOR**  
3 **TRAFFICKING OF PERSONS OR** [by a non-licensee or non-holder of authority].  
4 **(d) IF THE OFFENDER IS A JURIDICAL ENTITY, THE PENALTY SHALL**  
5 **BE IMPOSED UPON THE PRESIDENT, GENERAL MANAGER AND ANY**  
6 **RESPONSIBLE OFFICER THEREOF. IF THE OFFENDER IS AN ALIEN,**  
7 **HE SHALL, IN ADDITION TO THE PENALTIES HEREIN PRESCRIBED,**  
8 **BE DEPORTED WITHOUT FURTHER PROCEEDINGS.”**

9  
10 **SEC. 8. Prohibition on Officials and Employees.** – It shall be unlawful for  
11 any official or employee of the Department of Labor and Employment, the Philippine  
12 Overseas Employment Administration (POEA), or the Overseas Workers Welfare  
13 Administration (OWWA), or the Department of Foreign Affairs, or other government  
14 agencies involved in the implementation of this Act, or their relatives within the  
15 fourth civil degree of consanguinity or affinity, to engage, directly or indirectly, in the  
16 business of recruiting migrant workers as defined in this Act. The penalties provided  
17 in the immediate preceding paragraph shall be imposed upon them.

18 **SEC. 9. Venue.** – A criminal action arising from illegal recruitment as defined  
19 herein shall be filed with the Regional Trial Court of the province or the city where  
20 the offense was committed or where the offended party actually resides at the time of  
21 the commission of the offense: Provided that the court where the criminal action is  
22 first filed shall acquire jurisdiction to the exclusion of other courts: Provided,  
23 however, that the aforestated provisions shall apply to those criminal actions that have  
24 already been filed in the court at the time of the effectivity of this Act.

25 Section 10. Section 10 of RA No. 8402 is hereby amended to read as follows:

26 **SEC. 10. Money claims.** Notwithstanding any provision of law to the  
27 contrary, the Labor Arbiters of the National Labor Relations Commission (NLRC)  
28 shall have the original and exclusive jurisdiction to hear and decide, within **ONE**  
29 **HUNDRED AND TWENTY (120)** [ninety (90)] calendar days after the filing of the  
30 complaint, the claim arising out of the employer-employee relationship or by virtue of  
31 any law or contract involving Filipino workers for overseas deployment, **WHETHER**

1 **RECRUITED /DEPLOYED BY LICENSED/UNLICENSED AGENCIES OR**  
2 **INDIVIDUAL S OR BY THE POEA** including claims for actual, moral, and  
3 exemplary and other forms of damages.

4 The liability of the principal/employer and the recruitment/placement agency for any  
5 and all claims under this Section shall be joint and several. This provision shall be  
6 incorporated in the contract for overseas employment and shall be a condition  
7 precedent for its approval. The performance bond to be filed by the  
8 recruitment/placement agency as provided by law, shall be answerable to all money  
9 claims or damages that may be awarded to the workers. If the recruitment/placement  
10 agency is a juridical being, the corporate officers and directors and partners as the  
11 case may be, shall themselves be jointly and solidarily liable with the corporation or  
12 partnership for the aforesaid claims and damages. **ANY AGENCY WHO**  
13 **ASSUMES THIS LIABILITY SHALL LIKEWISE BE JOINT AND**  
14 **SOLIDARILY LIABLE TO THE SAID CLAIMS OF THE OFW.**

15 Such liabilities shall continue during the entire period or duration of the employment  
16 contract and shall not be affected by any substitution, amendment or modification  
17 made locally or in foreign country of the said contract.

18 Any compromise/amicable settlement or voluntary agreement on money claims  
19 inclusive of damages under this Section shall be paid within [four (4)] ONE (1)  
20 month[s] from the approval of the settlement by the appropriate authority.

21 A new Section 10-A of Republic Act 8042 is hereby added to read as follows:

22 **SEC. 10-A COMPULSORY LIABILITY INSURANCE FOR EVERY**  
23 **WORKER-IN ADDITION TO THE PERFORMANCE BOND TO BE FILED**  
24 **BY THE PLACEMENT/RECRUITMENT AGENCY UNDER SECTION 10,**  
25 **EACH WORKER DEPLOYED/PROCESSED BY A LICENSED**  
26 **RECRUITMENT/PLACEMENT AGENCY AND THE POEA SHALL BE**  
27 **COVERED BY A COMPULSORY EMPLOYMENT LIABILITY INSURANCE**  
28 **WHICH SHALL BE ANSWERABLE FOR MONEY CLAIMS OR DAMAGES**  
29 **THAT MAYBE AWARDED OR GIVEN TO THE WORKER IN A**  
30 **JUDGMENT OR SETTLEMENT OF HIS/HER CASE. SUCH INSURANCE**  
31 **COVERAGE SHALL BE SECURED AT NO COST OF THE WORKERS.**

1           **THE INSURANCE COVERAGE PER WORKER SHALL BE**  
2 **EQUIVALENT TO THREE (3) MONTHS OF THE WORKERS SALARY FOR**  
3 **EVERY YEAR OF CONTRACT. ONLY REPUTABLE PRIVATE**  
4 **INSURANCE COMPANIES REGISTERED WITH THE INSURANCE**  
5 **COMMISSION (IC) DULY INDORSED BY A RECOGNIZED ASSOCIATION**  
6 **OF RECRUITMENT/PLACEMENT AGENCIES AND IN EXISTENCE FOR**  
7 **AT LEAST FIVE(5) YEARS PRIOR TO THE PROMULGATION OF THIS**  
8 **ACT.SHALL BE QUALIFIED TO PROVIDE FOR THE INSURANCE**  
9 **COVERAGE.**

10           **THE SUBMISSION OF CERTIFICATE OF INSURANCE SHALL**  
11 **BE REQUIRED BY THE POEA FOR THE PROCESSING OF THE**  
12 **CONTRACTS OF THE WORKERS, INCLUDING RE-HIRES AND DIRECT**  
13 **HIRES WHO ARE ALLOWED BY LAWS.”**

14    In case of termination of overseas employment without just, valid or authorized cause  
15 as defined by law or contract, the workers shall be entitled to the full reimbursement  
16 of his placement fee with interest of twelve percent (12%) per annum, **COMPUTED**  
17 **FROM THE DATE THE CONTRACT WAS ILLEGALLY TERMINATED,**  
18 plus his salaries for the unexpired portion of his employment contract or for three (3)  
19 months for every year of the unexpired term, whichever is less.

20    Noncompliance with the mandatory periods for resolution of cases provided in this  
21 section shall subject the responsible officials to any or all of the following penalties:

22    (a) The salary of any such official who fails to render his decision or resolution within  
23 the prescribed period shall be, or caused to be, withheld until the said official  
24 complies therewith;

25    (b) Suspension for not more than ninety (90) days; or

26    (c) Dismissal from the service with disqualification to hold any appointive public  
27 office for five (5) years.

1 (d) Provided, however, That the penalties herein provided shall be without prejudice  
2 to any liability which any such official may have incurred under other existing laws or  
3 rules and regulations as a consequence of violating the provisions of this paragraph.

4 Section 11. Section 11 is hereby amended as follows:

5 **“SEC. 11. *Mandatory Periods for Resolution of Illegal Recruitment Cases.* –**

6 The preliminary investigations of cases under this Act shall be terminated within a  
7 period of thirty (30) calendar days from the date of their filing. Where the preliminary  
8 investigation is conducted by a prosecution officer and a prima facie case is  
9 established, the corresponding information shall be filed in court within twenty-four  
10 (24) hours from the termination of the investigation. If the preliminary investigation is  
11 conducted by a judge and a prima facie case is found to exist, the corresponding  
12 information shall be filed with the proper prosecution officer within forty-eight (48)  
13 hours from the date of the receipt of the records of the case.

14 **FOR THIS PURPOSE, THE PROSECUTION OFFICER SHALL MEAN**  
15 **THE PROSECUTION ATTORNEYS OF THE ANTI-ILLEGAL**  
16 **RECRUITMENT BRANCH OF THE POEA WHO SHALL HAVE THE SAME**  
17 **RANK, SALARY AND PRIVILEGES AS THAT OF THE PROSECUTION**  
18 **OFFICERS OF THE DEPARTMENT OF JUSTICE.**

19 Section 12. Section 12 of R. A. 8042 is hereby amended as follows:

20 **“SECTION 12. *Prescriptive Periods.* –** Illegal recruitment cases under this  
21 Act shall prescribe in five (5) years: Provided, however, That illegal recruitment cases  
22 involving economic sabotage as defined herein, **INVOLVING UNDER-AGE**  
23 **OFWs AND ILLEGAL RECRUITMENT THROUGH TRAFFICKING OF**  
24 **PERSONS** shall prescribe in twenty (20) years.

25 Section 13. Section 13 of R. A. 8042 is hereby amended to read as follows:

26 **SEC 13. *Free legal assistance; Preferential Entitlement Under the Witness***  
27 ***Protection Program.* –**A mechanism for free legal assistance for victims of illegal

1 recruitment shall be established **IN THE ANTI-ILLEGAL BRANCH OF THE**  
2 **PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION (POEA)**  
3 [within the Department of Labor and Employment] including its regional offices.  
4 Such mechanism **SHALL** [must] include coordination and cooperation with the  
5 Department of Justice, the Integrated Bar of the Philippines, and other non-  
6 governmental organizations and volunteer groups.

7 The provisions of republic Act 6981 to the contrary notwithstanding any person who  
8 is a victim of illegal recruitment shall be entitled to the Witness Protection Program  
9 provided there under.

10 **SEC. 14. *Travel Advisory/Information Dissemination.*** – To give utmost  
11 priority to the establishments of programs and services to prevent illegal recruitment,  
12 fraud and exploitation or abuse of Filipino migrant workers, all embassies and  
13 consular offices, through the Philippine Overseas Employment Administration  
14 (POEA), shall issue travel advisories or disseminate information on labor and  
15 employment conditions, migration realities and other facts; and adherence of  
16 particular countries to international standards on human workers' rights which will  
17 adequately prepare individuals into making informed and intelligent decisions about  
18 overseas employment. Such advisory or information shall be published in a  
19 newspaper of general circulation at least three (3) times in every quarter.

20 Section 15. Section 15 of RA No. 8042 is hereby amended as follows:

21 **“Section. 15. *Repatriation of Workers; Emergency Repatriation Fund.*** – The  
22 repatriation of the worker and the transport of his personal belongings shall be the  
23 primary responsibility of the agency, which recruited or deployed the worker  
24 overseas. All costs attendant to repatriation shall be borne by or charged to the agency  
25 concerned and/or its principal. Likewise, the repatriation of remains and transport of  
26 personal belongings of a deceased worker and all costs attendant thereto shall be  
27 borne by the principal and/or the local agency; **FURTHER, IN CASE**  
28 **REPATRIATION IS DELAYED DUE TO NO FAULT OF THE MIGRANT**  
29 **WORKER, THE PRINCIPAL AND/OR LOCAL AGENCY SHALL PAY FOR**  
30 **THE BASIC NEEDS SUCH AS FOOD AND SHELTER OF THE WORKER**

1 **WHILE ABROAD;** However, in cases where the termination of employment is due  
2 solely to the fault of the worker, the principal/employer or agency shall not in any  
3 manner be responsible for the repatriation of the former and/or his belongings.

4 The Overseas Workers Welfare Administration (OWWA), in cooperation with  
5 appropriate international agencies, shall undertake the repatriation of the workers in  
6 cases of war, epidemic, disasters or calamities, natural or manmade, and other similar  
7 events without prejudice to reimbursement by the responsible principal or agency.  
8 However, in the cases where the principal or recruitment agency cannot be identified,  
9 all costs attendant to repatriation shall be borne by the [OWWA] **EMERGENCY**  
10 **REPATRIATION FUND.**

11 For this purpose, there is hereby created and established an emergency repatriation  
12 fund under the administration, control and supervision of OWWA, initially to consist  
13 of One Hundred Million Pesos **IN ADDITION TO THE OBLIGATION TO**  
14 **REPATRIATE ITS WORKERS, THE RECRUITMENT AGENCY SHALL**  
15 **CONTRIBUTE AN AMOUNT TO BE DETERMINE D BY OWWA OF NOT**  
16 **LESS THAN FIFTY DOLLARS (US\$50) BUT NOT MORE THAN ONE**  
17 **HUNDRED (US\$100) FOR EVERY WORKER RECRUITED OR DEPLOYED**  
18 **OVERSEAS TO OWWAS EMERGENCY REPATRIATION FUND.”** P100,  
19 000,000.00), which shall be taken from the existing fund controlled and administered  
20 by the OWWA. Thereafter, such fund shall be provided for in the General  
21 Appropriations Act from year to year; Provided, that the amount provided shall in no  
22 case be less than One Hundred Million Pesos (P100, 000,000.00), inclusive of  
23 outstanding balances.

24 **SEC. 16. Mandatory Repatriation of Underage Migrant Workers,** - Upon  
25 discovery or being informed of the presence of migrant worker whose actual age fall  
26 below the minimum age requirement for overseas deployment, the responsible  
27 officers in the foreign service shall without delay repatriate said workers and advice  
28 the Department of Foreign Affairs through the fastest means of communication  
29 available of such discovery and other relevant information.

1           “THE LICENSE OF RECRUITMENT OR PLACEMENT AGENCY  
2 WHICH RECRUITED OT DEPLOYED AN UNDERAGE MIGRANT  
3 WORKER SHALL BE AUTOMATICALLY REVOKED.  
4

5           “ALL FEES RELEVANT TO THE PROCESSING OF PAPERS OR  
6 DOCUMENTS RELEVANT TO THE RECRUITMENT OR DEPLOYMENT  
7 SHALL BE REFUNDED IN FULL, WITHOUT NEED OF NOTICE, TO THE  
8 UNDERAGE MIGRANT WORKER OR TO HIS PARENTS AND GUARDIAN,  
9 THE REFUND SHALL BE INDEPENDENT AND IN ADDITION TO THE  
10 INDEMNIFICATION AND DAMAGES SUSTAINED BY THE UNDERAGE  
11 MIGRANT WORKER, THE REFUND SHALL BE PAID WITHIN THIRTY  
12 (30) DAYS FROM THE DATE OF THE MANDATORY REPATRIATION AS  
13 PROVIDED IN THIS ACT.”

14 Section 17. Section 17 of RA No. 8402 is hereby amended to read as follows:

15           “*Section 17. Establishment of Re-placement and Monitoring Center-* A re-  
16 placement and monitoring center is hereby created in the Department of Labor and  
17 Employment for returning Filipino migrant workers which shall provide a mechanism  
18 for their reintegration into the Philippine society, serve as a promotion house for their  
19 local employment, and tap their skills and potentials for national development.

20 The Department of Labor, the Overseas Workers Welfare Administration, and the  
21 Philippine Overseas Employment Administration shall, within ninety (90) days from  
22 the affectivity of this Act, formulate a program, **AFTER CONSULTATION WITH**  
23 **THE CONCERNED SECTORS**, that would motivate migrant workers to plan for  
24 productive options such as entry into highly technical jobs or undertakings, livelihood  
25 and entrepreneurial development, better wage employment, and investment of  
26 savings.

27 For this purpose, the Technical Education and Skills Development Authority  
28 (TESDA), the Technology Livelihood Resource Center (TLRC), and other  
29 government agencies involved in training and livelihood development shall give  
30 priority to returnees who had been employed as domestic helpers and entertainers.

1           **SEC.18. *Functions of the Re-placement and Monitoring Center*** – The  
2 Center shall provide the following services:

3           (a) Development livelihood programs and projects for returning Filipino migrant  
4 workers in coordination with the private sector;

5           (b) Coordinate with appropriate private and government agencies in the  
6 promotion, development, re-placement and the full utilization of their  
7 potentials;

8           (c) Institute, in cooperation with other government agencies concerned, a  
9 computer –based information system on skilled Filipino migrant workers,  
10 which shall be accessible to all local recruitment agencies and employers, both  
11 public and private;

12           (d) Provide a periodic study and assessment of job opportunities for returning  
13 Filipino migrant workers; and

14           (e) Develop and implement other appropriate program to promote the welfare of  
15 returning Filipino migrant workers.

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

22           (a) Counseling and legal services:

23           (b) Welfare assistance including the procurement of medical and  
24 hospitalization services;

25           (c) Information, advisory and programs to promote social integration such as  
26 post-arrival orientation, settlement and community networking services  
27 and activities for social interaction.



- 1 (d) Institute a scheme of registration of undocumented workers to bring them  
2 within the purview of this Act. For this purpose, the Center is enjoined to  
3 compel existing undocumented workers to register with it within six (6)  
4 months from the affectivity of this Act, under pain of having his/her  
5 passport cancelled;
- 6 (e) Human resource development, such as training and skills upgrading;
- 7 (f) Gender sensitive programs and activities to assist particular needs of  
8 women migrant workers;
- 9 (g) Orientation program for returning workers and other migrants; and
- 10 (h) Monitoring of daily situations, circumstances and activities affecting  
11 migrant workers and other overseas Filipino.

12 The establishment and operations of the Center shall be a joint undertaking of the  
13 various government agencies. The Center shall be open for twenty-four (24) hours  
14 daily including Saturdays, Sundays, and holidays, and shall be staffed by Foreign  
15 Service personnel, service attaches or officers who represent other Philippine  
16 government agencies abroad and, if available, individual volunteers and bona fide  
17 non-government organizations from the host countries. In countries categorized as  
18 highly problematic by the Department of Foreign Affairs and the Department of  
19 Labor and Employment and where there is a concentration of Filipino migrant  
20 workers, the government must provide a lawyer and a social worker for the  
21 Center. The Labor Attaché shall coordinate the operation of the Center and shall  
22 keep the Chief of Mission informed and updated on all matters affecting it.

23 The center shall have a counterpart 24-hour information and assistance center at  
24 the Department of Foreign Affairs to ensure a continuous network and  
25 coordinative mechanism at the home office.

26 Section 20. Section 20 of RA No. 8042 is hereby amended to read as follows:

27 **“Section 20. Establishment of a shared Government Information System**  
28 **for Migration. – An inter-agency committee CO-CHAIR**ED BY THE  
29 **DEPARTMENT OF LABOR AND EMPLOYMENT AND THE** [and  
30 **composed of the] Department of Foreign Affairs, FOR LOCAL AND**

1       **OVERSEAS OPERATIONS, RESPECTIVELY, and THEIR** [its] attached  
2       **AGENCIES** [agency, the Commission on Filipino Overseas, the Department of  
3       Labor and Employment, the Philippine Overseas Employment administration, the  
4       Overseas Workers Welfare Administration], the Department of Tourism, the  
5       Department of Justice, the Bureau of Immigration, the National Bureau of  
6       Investigation, **THE NATIONAL COMPUTER CENTER** and the National  
7       Statistics Office shall be established to implement a shared government  
8       information system for migration. The inter-agency committee shall initially  
9       make available to itself the information contained in existing data base/files.

10       The second phase shall involve linking of computer facilities in order to allow  
11       free-flow of data exchanged and sharing among concerned agencies. The inter-  
12       agency committee shall convene to identify existing databases, which shall be  
13       classified and shared among member agencies. These shared databases shall  
14       initially include, but not be limited to, the following information:

- 15       (a) Master list of Filipino migrant/overseas Filipino classified according to  
16       occupation/job category, civil status, by country/state of destination including visa  
17       classification,  
18       (b) Inventory of pending legal cases involving Filipino migrant workers and other  
19       *Filipino nationals, including those serving prison terms;*  
20       (c) Master lists of departing/arriving Filipinos;  
21       (d) Statistical profile on migrant Filipino workers/overseas Filipinos/tourists;  
22       (e) Blacklisted foreigners/undesirable aliens;  
23       (f) Basic data on legal systems, immigration policies, marriage laws and civil and  
24       criminal codes in receiving countries particularly those with the large number  
25       of Filipinos;  
26       (g) List of labor and other human rights instruments where receiving countries are  
27       signatories;  
28       (h) A tracking system of past and present gender disaggregated cases involving  
29       male and female migrant workers; and  
30       (i) Listing of overseas posts, which may render assistance to overseas Filipinos,  
31       in general, and migrant workers, in particular.

1 Section 21. Section 21 of RA No. 8042 is hereby deleted

2 [Sec. 21. Migrant Workers Loan Guarantee Fund. – in order to further prevent  
3 unscrupulous illegal recruiters from taking advantage of the workers seeking  
4 employment abroad, the OWWA in cooperation with government financial  
5 institutions, shall institute financial schemes that will expand the grant of pro-  
6 departure and family assistance loan. For this purpose, a Migrant Workers Loan  
7 Guarantee Fund is hereby created and the revolving amount of One hundred  
8 million pesos (P100, 000,000.00) from the OWWA is set aside as a guarantee  
9 fund in favor of participating government financial institutions.]

10 **SEC. 21 [ 22]. *Rights and Enforcement Mechanism Under the***  
11 ***International and Regional Human Rights System.*** – The Department of Foreign  
12 Affairs is mandated to undertake the necessary initiative such as promotions,  
13 acceptance or adherence of countries receiving Filipino workers to multilateral  
14 convention, declaration or resolutions pertaining to the protection of migrant  
15 workers. The Department of Foreign Affairs is also mandated to make an  
16 assessment of rights and avenues of redress under international and regional  
17 human rights systems that are available to Filipino migrant workers who are  
18 victims of abuse and violation and, as far as practicable and through the Legal  
19 Assistant of Migrant Workers Affairs created under this Act, pursue the same on  
20 behalf of the victim if it is legally impossible to file individual complaints. If a  
21 complaints machinery is available under international and regional systems, the  
22 Department of Foreign Affairs shall fully apprise the Filipino migrant workers of  
23 the existence and effectiveness of such legal options.

24 Section 22. Section 23 of RA No.8042 is hereby amended to read as follows:

25 **SEC. 22 [23]. *Role of Government Agencies.*** – The following  
26 government agencies shall perform the following to promote the welfare and  
27 protect the rights of migrant workers and, as far as applicable, all overseas  
28 Filipinos:

1 (a) Department of Foreign Affairs – The Department, through its home office  
2 or foreign posts, shall take priority action or make representation with the foreign  
3 authority concerned to protect the rights of migrant workers and other overseas  
4 Filipinos and extend immediate assistance, including the repatriation of distressed  
5 or beleaguered migrant workers and overseas Filipino:

6 (b) Department of Labor and Employment - The Department of Labor and  
7 Employment shall see to it that labor and social welfare in other countries are  
8 fairly applied to migrant workers and whenever applicable, to other overseas  
9 Filipinos including the grant of legal assistance and the referral to proper medical  
10 centers or hospitals [:]. **FOR THE EFFICIENT MANAGEMENT OF**  
11 **OVERSEAS EMPLOYMENT, THE SECRETARY OF LABOR AND**  
12 **EMPLOYMENT SHALL MAKE AN ASSESSMENT OF THE SCOPE OF**  
13 **ANY SPECIFIC DEREGULATION NEEDED FOR ECONOMIC**  
14 **DEVELOPMENT, TAKING INTO PRIMARY CONSIDERATION THE**  
15 **WELFARE OF OUR MIGRANT WORKERS, IMMEDIATELY AFTER**  
16 **THE EFFECTIVITY OF THIS ACT AND EVERY THREE YEARS**  
17 **THEREAFTER, EACH TIME UPON CONSULTATION WITH THE**  
18 **CONCERNED SECTORS.**

19 (b.1) Philippine Overseas Employment Administration – [Subject to deregulation  
20 and phase-out as provided under sections 29 and 30 herein, the administration  
21 shall regulate private sector participation in the recruitment and overseas  
22 placement of workers by setting up a licensing and registration system. It shall  
23 also formulate and implement, in coordination with the appropriate entities  
24 concerned, when necessary, a system for promoting and monitoring the overseas  
25 employment of Filipino Workers taking into consideration their welfare and the  
26 domestic manpower requirements.] **POEA SHALL BE RESPONSIBLE FOR**  
27 **THE MANAGEMENT OF OVERSEAS EMPLOYMENT AT THE PRE-**  
28 **EMPLOYMENT STAGE, SECURING THE BEST POSSIBLE TERMS**  
29 **AND CONDITIONS FOR OVERSEAS EMPLOYMENT, CONSIDERING**  
30 **THE NEED OF THE VULNERABLE SECTORS AND THE**  
31 **PECULARITIES OF OVERSEAS FILIPINO WORKERS WHO ARE SEA**  
32 **BASED AND LAND BASED. POEA SHALL ALSO BE RESPONSIBLE**  
33 **FOR THE INTENSIFIED PROGRAM AGAINST ILLEGAL**

1 RECRUITMENT ACTIVITIES. FOR THIS PURPOSE, AN ANTI-  
2 ILLEGAL RECRUITMENT PROGRAM UNDER THE ANTI- ILLEGAL  
3 RECRUITMENT BRANCH OF POEA IS HEREBY  
4 INSTITUTIONALIZED, AND FUNDED BY 10% OF THE ANNUAL  
5 INCOME OF POEA.

6 POEA SHALL FURTHER PROVIDE COMPREHENSIVE PRE-  
7 EMPLOYMENT SEMINARS THAT SHALL COVER SUCH MATTERS  
8 AS GENDER SENSITIVITY;

9 (b. 2) Overseas Workers Welfare Administration – [The Welfare officer or in his  
10 absence, the coordinating officer shall provide the Filipino migrant worker and his  
11 family all the assistance they may need in the enforcement of contractual  
12 obligations by agencies or entities and/or by their principals. In the performance  
13 of this function, he shall make representation and may call on the agencies or  
14 entities concerned to the conferences or conciliation meetings for the purpose of  
15 settling the complaints or problems brought to his attention.] **OWWA SHALL**  
16 **FORMULATE AND IMPLEMENT WELFARE PROGRAMS FOR**  
17 **OVERSEAS FILIPINO WORKERS AND THEIR FAMILIES WHILE THE**  
18 **OFWS ARE ABROAD AND UPON THEIR RETURN. IT SHALL**  
19 **LIKEWISE ENSURE THE AWARENESS BY THE OFWS AND THEIR**  
20 **FAMILIES OF THESE PROGRAMS AND OTHER RELATED**  
21 **GOVERNMENTAL PROGRAMS.**

22 Section 23. Section 24 is hereby amended to read as follows:

23 “Section 23 [24]. *Legal Assistant for Migrant Workers Affairs.* – There is  
24 hereby created the position of Legal Assistant for Migrant Workers Affairs under  
25 the Department of Foreign Affairs who shall be primarily responsible for the  
26 provision and overall coordination of all legal assistance services to be provided  
27 to the Filipino migrant workers as well as overseas Filipinos in distress  
28 **ABROAD.** He shall have the rank, salary, privileges equal to that of an  
29 Undersecretary of said Department.

1 The said Legal Assistant for Migrant Workers Affairs, shall be appointed by the  
2 President and must be of proven competence in the field of law with at least ten  
3 (10) years of experience as a legal practitioner and must not have been candidate  
4 to an elective office in the last local or national elections.

5 Among the functions and responsibilities of the aforesaid Legal Assistant are:

6 (a) To issue the guidelines, procedures and criteria for the provision of legal  
7 assistance services to Filipino migrant workers;

8 (b) To establish close linkages with the Department of Labor and Employment,  
9 the POEA, the OWWA and other government agencies concerned, as well as with  
10 non-governmental organizations assisting migrant workers, to ensure effective  
11 coordination and cooperation in the provision of legal assistance to migrant  
12 workers;

13 (c) To tap the assistance of reputable law firms, [and] the Integrated Bar of the  
14 Philippines, [and] other bar associations, **AND OTHER GOVERNMENT**  
15 **LEGAL EXPERTS ON OFW LAWS**, to complement the government's efforts  
16 to provide legal assistance to our migrant workers,

17 (d) To administer the legal assistance fund for migrant workers established under  
18 Section 25 hereof and to authorize disbursements there from in accordance with  
19 the purposes for which the fund was set up; and

20 (e) To keep and maintain the information system as provided in Section 20.

21 The Legal Assistant for Migrant Workers Affairs shall have authority to hire  
22 private lawyers, domestic or foreign, in order to assist him in the effective  
23 discharge of the above functions.

24 **SEC. 24 [25]. *Legal Assistance Fund.*** – There is hereby established a  
25 legal assistance fund for migrant workers, herein after referred to as the Legal  
26 Assistance Fund, in the amount of One hundred million pesos (P100, 000,000) to  
27 be constituted from the following sources: Fifty million pesos (P50, 000,000)  
28 from the Contingency Fund of the President; Thirty million pesos (P30, 000,000)  
29 from the Presidential Social Fund; and Twenty million pesos (20, 000,000) from

1 the Welfare Fund for Overseas Workers established under letter of Instruction No.  
2 537, as amended by Presidential Decree Nos. 1694 and 1809.

3 Any balances of existing fund which have been set aside by the government  
4 specifically as legal assistance or defense fund to help migrant workers shall, upon  
5 effectivity of this Act, be turned to, and form part of, the Fund created under this  
6 Act.

7 **“Section 25 [26]. *Uses of the Legal Assistance Fund.*** - The Legal  
8 Assistance Fund created under the preceding Section shall be used exclusively to  
9 provide legal services to migrant workers and overseas Filipino in distress in  
10 accordance with the guidelines, criteria and procedures promulgated in accordance  
11 with Section 24 (a) hereof. The expenditures to be charged against the Fund shall  
12 include the fees for the foreign lawyers to be hired by the Legal Assistant for  
13 Migrant Workers Affairs to represent migrant workers facing any legal charges  
14 and other litigation expenses.

15 **SEC. 26 [27]. *Priority Concerns of Philippine Foreign Service Posts.*** –  
16 The country-team approach, as enunciated under Executive Order no. 74, series of  
17 1993, shall be the mode under the Philippines embassies or their personnel will  
18 operate in the protection of the Filipino Migrant Workers as well as in the  
19 promotion of their welfare. The protection of Filipino migrant workers and the  
20 promotion of their welfare, in particular, and the protection of the dignity and  
21 fundamental rights and freedoms of the Filipino citizen abroad, in general, shall be  
22 the highest priority concerns of the Secretary of Foreign Affairs and the Philippine  
23 Foreign Service Posts.

24 **SEC. 27 [28]. *Country-Team Approach.*** – Under the country-team  
25 approach, all officers, representatives and personnel the Philippine government  
26 posted abroad regardless of their mother agencies shall, on a per country basis, act  
27 as on country-team with a mission under the leadership of the Ambassador. In this  
28 regard, the Ambassador may recommend to the Secretary of Foreign Affairs the  
29 recall officers, representatives and personnel of the Philippine government posted  
30 abroad for acts inimical to the national interest such as, but not limited to, failure  
31 to provide the necessary services to protect the rights of overseas Filipinos. Upon  
32 receipt of the recommendation of the Ambassador, the Secretary of Foreign  
33 Affairs shall, in the case of officers, representatives and personnel of other

1 departments endorse such recommendation to the Department Secretary  
2 concerned for the appropriate action. Pending investigation by an appropriate  
3 body in the Philippines, the person recommended for recall may be placed under  
4 preventive suspension by the Ambassador.

5 In host countries where there are Philippine consulates, such consulates will also  
6 constitute part of the country-team under the leadership of the ambassador.

7 In the implementation of the country-team approach, visiting Philippine  
8 delegations shall be provided full support and information.

9 **Section 28.** Sections 29 and 30 of RA # 8402 are repealed by R. A. 9422

**Sec. 28.** The following provisions are proposed to be renumbered by in view of  
the repealed.

10 **SEC. 29** [31. *Incentives to Professionals and Other Highly Skilled*  
11 *Filipinos Abroad.* – Pursuant to the objective of encouraging professionals and  
12 highly-skilled Filipinos abroad especially in the field of science and technology to  
13 participate in, and contribute to national development, the government shall  
14 provide proper and adequate incentives and programs so as to secure their services  
15 in priority development areas of the public and private sectors.]

## 16 IX. MISCELLANEOUS PROVISIONS

17 **SEC. 30** [32]. *POEA and OWWA Board; Additional Memberships.* –  
18 Notwithstanding any provision of law to the contrary, the respective Boards of the  
19 POEA and the OWWA shall, in addition to their present composition, have three  
20 (3) members each who shall come from the women, sea-based and land-based  
21 sectors respectively, to be appointed by the President in the same manner as the  
22 other members.

23 **SEC 31** [33]. *Report to Congress.* – In order to inform the Philippine  
24 Congress on the implementation of the policy enunciated in Section 4 hereof, the  
25 Department of Foreign Affairs and the Department of Labor and Employment  
26 shall submit to the said body a semi-annual report of Philippine foreign posts



1 located in the countries hosting Filipino migrant workers. The report shall include,  
2 but shall not be limited to, the following information.

3 (a) Masterlist of Filipino migrant workers, and inventory of pending legal  
4 cases involving them and other Filipino nationals including those serving prison  
5 terms;

6 (b) Working conditions of Filipino migrant workers;

7 (c) Problems encountered by the migrant workers, specifically violations of  
8 their rights;

9 (d) Initiatives/actions taken by the Philippine foreign posts to address the  
10 problems of Filipino migrant workers;

11 (e) Changes in the laws and policies of host countries; and

12 (f) Status of negotiations on bilateral labor agreements between the Philippines  
13 and the host country.

14 Any officer of the government who fails to report as stated in the preceding  
15 section shall be subject to administrative penalty.

16 **SEC. 32 [34]. *Representation in Congress.*** – Pursuant to Section 3 (2),  
17 Article VI of the Constitution and in line with the objective of empowering  
18 overseas Filipinos to participate in the policy-making process to address Filipino  
19 migrant concerns two (2) sectoral representatives for migrant workers in the  
20 House of Representatives shall be appointed by the President for the ranks of  
21 migrant workers: Provided, That at least one (1) of the two (2) sectoral  
22 representatives shall come from the women migrant workers sector: Provided,  
23 further, That all nominees must have at least two (2) years experience as a migrant  
24 worker.

25 **SEC. 33 [35]. *Exemption from Travel Tax and airport Fee.*** All laws to  
26 the contrary notwithstanding, the migrant worker shall be exempt from the  
27 payment of travel tax and airport fee upon proper showing of proof of entitlement  
28 by the POEA.

1           **SEC. 34 [36]. *Non-increase of Fees; Abolition of Repatriation Bond.*** –  
2       Upon approval of this Act, all fees being charged by any government office on  
3       migrant workers shall remain at their present levels and repatriation bond shall be  
4       abolished.

5           **SEC. 35 [37]. *The Congressional Migrant Workers Scholarship Fund.***  
6       – There is hereby created a Congressional Migrant Workers Scholarship Fund,  
7       which shall benefit deserving migrant workers and/or their immediate descendants  
8       below twenty-one (21) years of age who intended to [pursue courses or training  
9       primarily in the field of science and technology] **ENROLL OR ARE**  
10      **CURRENTLY ENROLLED PREFERABLY IN EXISTING STATE**  
11      **UNIVERSITIES AND COLLEGES (SUCs) WITHIN THE PHILIPPINES.**  
12      The initial seed fund of Two hundred million pesos  
13      (P200, 000,000.00) shall be constituted from the following sources:

- 14      (a) Fifty million pesos (P50, 000,000.00) from the unexpected Countrywide  
15      Development Fund for 1995 in equal sharing by all members of Congress; and  
16      (b) The remaining One hundred fifty million pesos (P150, 000,000.00) shall be  
17      funded from the proceeds of Lotto.

18      The Congressional Migrant Workers Scholarship Fund as herein created shall be  
19      administered by the DOLE in coordination with the [Department of Science and  
20      Technology (DOST)] **COMMISSION ON HIGHER EDUCATION (CHED).**  
21      To carry out the objectives of this section, the DOLE and the [DOST] CHED shall  
22      formulate the necessary rules and regulations.

23           **SEC. 36 [38]. *Migrant Workers Day.*** – The day of signing by the  
24      President of this Act shall be designated as the Migrant Workers Day and shall  
25      henceforth be commemorated as such annually.

26           **SEC. 37 [39]. *Implementing Rules and Regulations.*** – The Departments  
27      and agencies charged with carrying out the provisions of this Act shall, within  
28      ninety (90) days after the effectivity of this Act, formulate the necessary rules and  
29      regulation for its effective implementation

1           **SEC. 38** [40] *Repealing Clause.* – All laws, decrees, executive orders,  
2 rules and regulations, or parts thereof inconsistent with the provisions of this Act  
3 are hereby repealed or modified accordingly.

4           **SEC. 39** [41]. *Separability Clause.* – If, for any reason, any Section or  
5 provision of this Act is held unconstitutional or invalid, the other sections or  
6 provisions hereof shall not be affected thereby.

7           **SEC. 40** [42]. *Effectivity Clause.* This Act shall take effect after fifteen  
8 days from its publication in the Official Gazette or in at least two (2) national  
9 newspapers of general circulation whichever comes earlier.

*Approved,*