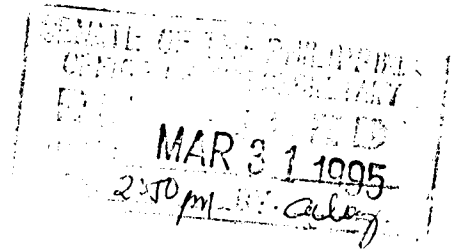


SENATE

S. No. 2670



Introduced by Senator Alberto G. Romulo

EXPLANATORY NOTE

The Constitution mandates: "The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all." (Section 3, Art. XIII)

Since the Marcos regime, thousands of Filipino workers have been deployed every month all over the world including to countries with harsh and oppressive laws and employers.

These workers "saved the Philippines from economic collapse, because the foreign exchange they sent home during its darkest days (Marcos years) propped up the peso and the economy". To this day they continue to remit billions of dollars every year. Last year alone \$4 billion dollars OCW earnings was remitted to our economy.

But at a very heavy price - degradation, beatings, rape, death to many of our countrymen.

One columnist wrote: " Filipinas, celebrated in songs as shy and faithful, work as entertainers and prostitutes in Japan. Professional Filipinas work as housemaids in Singapore, Hongkong, and Europe. Filipino men work as laborers in the Middle East. They sneak into the United States and Europe as illegal migrants. They suffocate or freeze to death as they are being smuggled into European countries.....

"In the first two months of this year alone, the remains of 667 overseas contract workers were repatriated by the Overseas Workers Welfare Administration (OWWA), (Inquirer, March 18).

On March 17, Flor Contemplacion was hanged in Changi Prison, Singapore for a crime she did not commit.

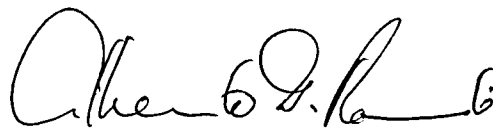
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Thus the urgency to provide adequate, continuous and compassionate protection and safeguards to Filipino workers in foreign lands.

This bill seeks to protect and promote the rights and welfare of filipino workers against abusive, unjust and oppressive treatment in foreign lands. It undertakes to harmonize the State's foreign relations and policies with the human rights of every Filipino worker.

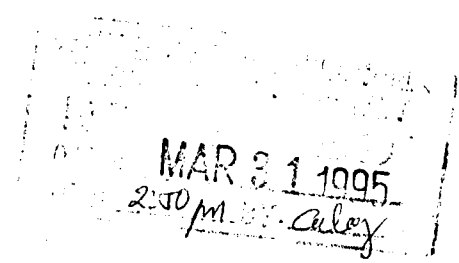
This bill also provides for absentee voting by Filipino overseas workers.

The immediate enactment of the this bill is urged.



ALBERTO G. ROMULO
Senator

Ninth Congress of the Republic
of the Philippines)
Third Regular Session)



SENATE

S. No. 2070

Introduced by Senator Alberto G. Romulo

**AN ACT
PROVIDING FOR THE MAGNA CARTA FOR FILIPINO
OVERSEAS WORKERS**

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

**CHAPTER I
GENERAL PROVISIONS**

SECTION 1. *Short Title.* - This Act shall be known as the Magna Carta for Filipino Overseas Workers (hereinafter called "Workers").

SECTION 2. *Declaration of Policy.* - The State shall promote the well- being and protect the human rights of every Filipino Overseas Workers.

SECTION 3. *Scope.* - This Act shall apply to all Filipino citizens working abroad and duly registered with the Philippine Overseas Workers Administration (POEA) and/or Overseas Workers Welfare Administration (OWWA) and/or the Department of Labor.

**CHAPTER II
COUNTRY TEAM APPROACH**

SECTION 4. *Country Team Approach*- In the performance of their functions to protect the human rights and promote the well-being of Filipino overseas workers, the Department of Foreign Affairs, the Department of Labor and Employment, the Philippine Overseas Employment Administration and the Overseas Workers Welfare Administration shall adopt the country-team approach as provided in Executive Order No. 74.

All officers, representatives and personnel of the Philippine government posted abroad regardless of their mother agencies shall act as a country team under the leadership of the Ambassador.

**CHAPTER III
PROTECTION OF RIGHTS AND BENEFITS**

SECTION 5. *Deployment of Overseas Filipino Workers*. - The government shall allow the deployment of Filipino Overseas Workers only in countries where the rights of Filipino migrant workers are protected as embodied in a bilateral agreement or arrangement with the Philippine government.

Any of the following may be considered by the government as a further protection of the rights of Filipino Overseas Workers on the part of the receiving country :

- a) The receiving country has existing labor and social laws protecting the rights of migrant workers;
- b) It is a signatory to multilateral conventions, declarations or resolutions relating to the protection of migrant workers;
- c) It is taking positive, concrete measures to protect the rights of migrant workers.

The government shall undertake the necessary initiatives to promote the acceptance or adherence of receiving countries to multilateral conventions, declarations or resolution pertaining to the protection of migrant workers' rights.

SECTION 6. *Ban on Deployment.* - The government, when the national interest, public safety or public welfare so requires, may at any time, terminate or impose a ban on the deployment of Filipino Overseas Workers.

SECTION 7. *Benefits* - The State shall provide the following benefits and services to Filipino Overseas Workers and their families:

- a) Educational Benefits - The government shall provide financial assistance to any deserving child of a Worker who desires to study. Such assistance may be in the form of scholarship grants, student loan programs, subsidies, and other incentives in both public and private schools.
- b) Housing program for all qualified Workers.
- c) Health Services - The National Government shall provide an integrated health service for Workers which shall include, but not limited to, the following: hospitalization, medical care and treatment.
- d) Legal Services - The Filipino Overseas Workers Center shall ensure that Workers are provided with the necessary counseling and legal services.
- e) Credit Facilities - The Overseas Workers Welfare Administration (OWWA) shall grant short and medium term loans such as salary, educational, calamity and emergency loans.

The National Government shall allocate funds necessary for the effective implementation of the above mentioned benefits.

SECTION 8. *Establishment of a Filipino Overseas Workers Center* - A Center shall be established in places where there are vast concentration of Filipino overseas workers. The Center shall provide the following services to Filipino Overseas Workers and their families:

- (a) Program to promote social integration, adjustment such as post-arrival orientation, settlement, advisory services, community networking and activities for social interaction;
- (b) Counseling and legal services;
- (c) Training and skills upgrading;
- (d) Information and education services or programs;
- (e) Welfare assistance;
- (f) Orientation programs for returning workers; and
- (g) Assist the various government agencies in the Philippines in the implementation of laws, rules and regulations like in case of absentee voting;
- (h) Monitoring of daily situations, circumstances and activities affecting Filipino overseas workers.

The establishment and operations of the Center shall be a joint undertaking of various Philippine government agencies. It shall have a counterpart 24-hour information and assistance center at the Department of Foreign Affairs to ensure a continuous network and coordinative mechanism at the home office.

SECTION 9. *Jurisdiction and Operations.* - The Center shall be under the administrative jurisdiction of the Philippine Embassy and may be housed within the Philippine Embassy or Consulate premises. It may also be established in such areas as may be deemed necessary by the Department of Foreign Affairs and in accordance with the policies of the host country. It shall be staffed by the service attaches hired for the purpose of helping the said workers. The assistance of volunteer groups may be enlisted.

CHAPTER IV

EXERCISE OF THE RIGHT TO VOTE

SECTION 10. *Absentee Voting* - Every qualified Filipino Overseas Worker may exercise his right to vote during an election in accordance with law, notwithstanding his absence in the Philippines.

SECTION 11. *Notice of Election* - Immediately after the date of election shall have been fixed, the Commission on Election (COMELEC) through the Diplomatic or Consular Offices of the Republic of the Philippines shall cause the publication in a newspaper of general circulation in the countries where Filipino overseas workers are found, the registration and election centers, the place, date and time of the holding of such registration and election and the requirements for participation.

SECTION 12. *Procedure for Registration.* - Registration may be effected personally or by mail.

a) Personal registration shall be effected by the voter presenting himself in person before the Diplomatic or Consular offices and submitting thereto the following:

1. Philippine Passport;
2. Copy of his contract of employment duly processed and confirmed by the Department of Labor and Employment in the case of Filipino overseas worker employed by a private employer abroad or by a foreign government;

The duly designated proper registration officer upon being satisfied that the applicant is a qualified absentee voter shall furnish applicant with the Absentee Voters Affidavit to be accomplished in triplicate.

b) Registration by mail shall be effected by the applicant sending to the Diplomatic or Consular office in the country where he is located or if no such office is

established in that country, then to the Commissions on Election in Manila a written application under oath containing the information appearing in the Absentee Voters Affidavit as follows:

- 1) Complete name, age and other personal circumstances as shown in his passport;
- 2) Date of last departure from the Philippines;
- 3) Periods of specific residence in the Philippines;
- 4) Date of arrival in the country of destination;
- 5) Length of stay in the country of destination;
- 6) Expected date of return to the Philippines;
- 7) Status of admission of applicant in the country of destination as shown in the passport;
- 8) Registry number of contract of employment as shown in the face of the contract, duration of the contract and other related data;

He shall mail the letter application to the COMELEC office in Manila together with the photocopy of the required documents under paragraph (a) of this Section.

SECTION 13. *Approval and Disapproval of Application* - The personal registration and the written applications sent by mail to the diplomatic or consular offices shall be approved or disapproved within five (5) days from receipt thereof. In case of disapproval of any application by the diplomatic or consular office, the voter may appeal to the COMELEC office in Manila from such disapproval. The COMELEC shall act within five (5) days from receipt of such appeal and shall notify the voter of its decision within five (5) days from the election.

Application mailed directly to COMELEC by absentee voters located in countries without Philippine diplomatic or consular offices shall be acted upon within ten (10) days

from receipt of application. In case of disapproval, a motion for reconsideration may be filed by the voter himself by mail from the country where he is located within ten (10) days from receipt of the notice of disapproval.

All applications acted upon, whether approved or disapproved by the Philippine diplomatic or consular offices, shall be transmitted to the COMELEC office in Manila within ten (10) days from approval or disapproval.

SECTION 14. *Election* - The qualified Filipino overseas workers shall cast their vote in the manner in which the COMELEC shall provide by way of rules and regulations.

CHAPTER V

SOURCES OF FUNDS AND APPROPRIATIONS

SECTION 15. *Sources of Fund and Appropriations.* - For the implementation of this Act, the following funds are hereby transferred to the Department of Labor and Employment:

- a) Five Percent (5%) to be taken from the thirty-five percent (35%) allocated to the Armed Forces of the Philippines (AFP) modernization program as provided in Republic Act No. 7917;
- b) Fifty Percent (50%) of the funds in the Overseas Workers' Investment Fund (OWIF) under Republic Act No. 7111;
- c) For the initial implementation of this Act, appropriation shall be taken from available savings and funds of the National Government. Thereafter, the amount necessary to carry out the provisions of this Act shall be included in the annual general appropriations act of the Department of Labor and Employment.

CHAPTER VI
REPORT TO CONGRESS

SECTION 16. *Report.* - In order to update Congress on the situation of Filipino Overseas Workers in foreign countries, the Department of Foreign Affairs and the Department of Labor and Employment shall submit a quarterly report on the following:

- (a) Working conditions of Filipino overseas workers;
- (b) Problems encountered by the overseas workers, specifically violation of their rights;
- (c) Initiatives/actions taken by the Philippine foreign posts to address the problems of Filipino Overseas Workers;
- (d) Changes in the laws and polices of host countries; and
- (e) Status of negotiations on bilateral labor agreements between the Philippines and the host country.

SECTION 17. *Failure to Report.* - Any officer of the government who fails to report as stated in the preceding section shall be subject to administrative penalty.

CHAPTER X
MISCELLANEOUS PROVISIONS

SECTION 18. *Implementing Rules and Regulations.* - The Department of Foreign Affairs in coordination with the Department of Labor, the Philippine Overseas Employment Administration, the Overseas Workers Welfare Administration shall make the rules and regulations necessary for the proper implementation of this Act.

The Commission on Election in coordination with the Department of Foreign Affairs the Department of Labor, the Philippine Overseas Employment Administration, the Overseas Workers Welfare Administration shall make the necessary rules and regulation with regard to absentee voting.

SECTION 19. *Repealing Clause.* All laws, Presidential Decrees, Executive Orders, and rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 20. *Separability Clause.* If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 21. *Effectivity.* This Act shall take effect after its complete publications in at least two (2) national newspapers of general circulation.

Approved,