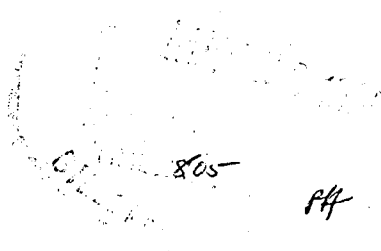


NINTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)S.S
Third Regular Session)



S E N A T E

S. No. 2076

~~~~~  
Introduced by Senator Heherson T. Alvarez  
~~~~~

AN ACT
PROVIDING TO DECLARE THE POLICIES FOR OVERSEAS EMPLOYMENT
AND ESTABLISH THE PROTECTION AND PROMOTION OF THE WELFARE OF
FILIPINO MIGRANT WORKERS

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

SECTION 1. Short Title. - This Act shall be known as
the "Migrant Workers Act of 1995".

TITLE 1

GENERAL PROVISIONS

SEC. 2. Declaration of Policies. -

a. The State recognizes that its fundamental duty
consists on creating the conditions for a peaceful
development of the country and an equitable participation
into development of all the citizens. It is a primary State
policy, therefore, to continuously create local employment
opportunities and promote the equitable distribution of
wealth and the benefits of development.

While recognizing the significant contribution of
Filipino migrant workers to the national development, the
State does not promote overseas employment as a means to
sustain economic growth and achieve national development.
Overseas employment is only allowed on the assurance that
the dignity and human rights and freedoms of the Filipino
citizens shall not, at any time, be compromised or violated.

b. All Filipino migrant workers, whether documented
or undocumented, are entitled to the protection and care of
the State by virtue of their Philippine citizenship and the

State shall exercise its inherent and supreme power and authority to extend all assistance and uphold their dignity.

c. The Philippines shall cooperate with other states for the promotion of sound, equitable, and humane conditions in connection with international migration of workers and members of their families. In this regard, the Philippines will proceed to the ratification of pertinent international conventions, and will exercise its diplomatic offices to ensure that other countries do the same. The protection of migrants is a primordial concern of the Philippine diplomacy.

d. Firmly resolved to protect Filipino migrant workers, the State shall forge international agreements with receiving countries to ensure they receive equality of treatment with nationals in their working and living conditions.

e. Recognizing the contribution and unique role of migrant women, but also their particular vulnerability, the State shall apply gender sensitive criteria in the formulation and implementation of policies and programs regarding migrant workers.

f. Filipino migrant workers shall be empowered to fully participate in all decision making processes that would affect their lives.

TITLE 2

PROTECTION OF RIGHTS

SEC. 3. General Policy. - The State shall protect human and labor rights of migrant workers as recognized by relevant international instruments.

The Department of Foreign Affairs is mandated to make an assessment of rights and avenues of redress under international and regional human rights systems that are available to Filipino migrant workers who are victims of

abuse and violations and, as far as practicable, pursue the same on behalf of the victims if it is legally impossible to file individual complaints. If an individual complaint mechanism is available under international or regional systems, the Department of Foreign Affairs shall inform the Filipino migrant workers of the existence of such legal option.

SEC. 4 Protection at Deployment of Overseas Filipino Workers - it is the policy of the State to allow deployment of overseas Filipino workers only in countries where the rights of Filipino migrant workers are protected. The government recognizes any of the following as a guarantee on the part of the receiving country for the protection and the rights of overseas Filipino workers:

(a) The 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 labor workers;

(c) It has concluded a bilateral agreement or arrangement with the Government protecting the rights of overseas Filipino workers.

In the pursuit of the above policy, the government shall undertake the necessary initiative such as promoting acceptance or adherence of countries hosting overseas Filipino workers to multilateral conventions, declarations or resolutions pertaining to the protection of migrant workers' rights and initiating the conduct of bilateral negotiations with the end in view of concluding bilateral agreement or arrangements which protect overseas Filipino workers's rights.

The state shall regulate private sector participation in the recruitment and overseas placement of workers by setting up a licensing and registration system. No

recruitment or placement fee shall be exacted from workers. The appropriate state agencies shall exercise original and exclusive jurisdiction to hear and decide all claims arising out of an employer-employee relationship or by virtue of any law or contract involving Filipino workers for overseas employment including disciplinary cases.

SEC. 5. Illegal Recruitment. - The appropriate government agencies shall give utmost priority to the hearing and resolution of all cases involving illegal recruitment. The definition of illegal recruitment shall require revision of Article 38 of Presidential Decree No. 442 as amended, to include illegal practices perpetrated by licensed agencies and their representatives. Illegal recruitment shall be defined as a criminal offense and stiffer penalties shall be imposed against illegal recruitment and other violations in the recruitment process.

A mechanism of free legal assistance for victims of illegal recruitment shall be established by the State.

The provision of Republic Act No. 6981 to the contrary notwithstanding, any person who becomes a victim of illegal recruitment constituting economic sabotage shall be automatically entitled to the Witness Protection Program provided thereunder.

Undocumented Filipino migrant workers needing repatriation shall be assisted by the State and the cost imputed to the party responsible for recruitment.

SEC. 6. Establishment of a Migrant Workers Center - Under the administrative jurisdiction of the Philippine Embassy or Consulate in countries where there are large concentration of Filipino migrant workers, there shall be established a Migrant Workers Center with the following services:

- (a) Counseling and legal services;

(b) Assistance in the procurement of medical and hospitalization services; and

(c) Information, advisory, settlement and community networking services.

The Migrant Workers Center shall be staffed by the service attaches or officers who represent other Philippine government agencies abroad, and, if available, volunteers from the Filipino Community settled in the host countries. In countries where there is a concentration of Filipino migrant workers, the government must provide a lawyer and a social worker for the center. The Labor Attache shall coordinate the operation of the Migrant Worker Center and shall keep the Chief of Mission informed and updated on all matters affecting it.

TITLE 3

PROVISION OF BENEFITS

SEC. 7 General Provisions - In consideration of the hardships experienced by migrant workers and their families during overseas employment, services such as family assistance loan grants, education legal assistance, repatriation services, housing, health and medical and disability assistance shall be provided by the State to Filipino migrant workers without delay and with minimum processing requirements.

Should the cause of death of any Filipino migrant worker be work-related or due to natural means, or by accident or by force majeure, the State shall be responsible for the immediate repatriation of his remains.

SEC. 8. Exemption from Double Taxation. - The State shall adopt appropriate measures to avoid double taxation of the earning and savings of migrant worker.

SEC. 9. Establishment of a Reintegration Center. - A Reintegration Center is hereby created by the State for returning overseas Filipino workers which shall provide a

mechanism for their reintegration into the Philippine society, serve as a promotion house for their local employment, and tap their skills and potentials for national development.

SEC. 10. Functions. - The Center shall provide the following services:

- (a) Develop livelihood programs and projects for returning overseas Filipino workers in coordination with the private sector and concerned government agencies;
- (b) Coordinate with appropriate private and government agencies in the promotion, development, and full utilization of their potentials;
- (c) Institute, in cooperation with other government agencies concerned, a computer-based information system on skilled overseas Filipino workers which shall be accessible to all local recruitment agencies and employers, both public and private; and
- (d) Provide a periodic study of the assessment of job opportunities for returning overseas Filipino workers.

TITLE 4

EMPOWERMENT OF MIGRANT WORKERS

SEC. 11. Right to Vote and Representation. - The right of Filipino migrant workers to participate in the democratic decision-making processes of the State and to be represented in relevant institutions related to overseas employment is recognized. The immediate institution of a system of absentee voting by qualified Filipinos abroad is imperative. Such system should be crafted after the proposal prepared by COMELEC. The right of migrant workers to self-organize is recognized and guaranteed.

TITLE 5

INFORMATION SYSTEM

SEC. 12. Establishment of an Information System for

Migration. - An inter-agency committee shall be established with the aim of implementing a shared government information system for migration. The inter-agency committee shall initially make available the information contained in existing data bases-filed. The second phase shall involve linking of computer facilities to allow free-flow data exchanges and sharing among concerned agencies.

The inter-agency committee shall convene to identify existing data bases which shall be declassified and shared among member agencies and interested parties. These shared databases shall initially include, but not be limited to the following information:

(a) Masterlists of Filipino migrants/overseas contract workers by sex, age, occupation, civil status and country/state of destination;

(b) Masterlists of departing/arriving Filipinos;

(c) Statistical profile on Filipino migrants/overseas Filipino workers;

(d) Legal mandates and legal systems relevant to Filipino workers abroad;

(e) Programs and services available to Filipino workers abroad;

(f) Listing of overseas posts which may render assistance to Filipino migrant workers.

Consolidated data outputs from the established information systems shall be made public to inform on the situation of Filipino migrant workers.

TITLE 6

COOPERATION AMONG AGENCIES

SEC. 13. Coordinated Approach. - In the performance of their functions to protect the human rights and promote the well-being of Filipino overseas workers, 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 Chief of the Mission. They shall undergo periodical training on issues concerning migrant workers and acquisition of skills to better perform their functions.

TITLE 7

FINAL PROVISIONS

SEC. 14. Report to Congress. 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 policies of host countries; and
- e) Status of negotiations on bilateral labor agreements between the Philippines and the host country.

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

SEC. 15. Appropriation. - For the initial implementation of this Act, appropriation shall be taken from available savings and funds of the 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.

SEC. 16. 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.

SEC. 17. 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.

SEC. 18. 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.

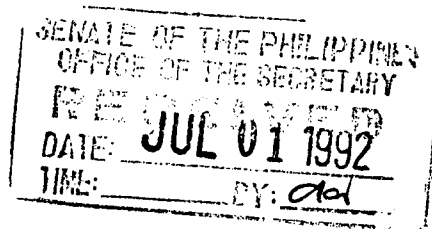
SEC. 19. Effectivity. - This Act shall take effect after its complete publication in at least two (2) newspapers of general circulation.

Approved,

Congress of the Philippines)
First Regular Session)

S E N A T E

S. No. 161



Introduced by Senator Herrera

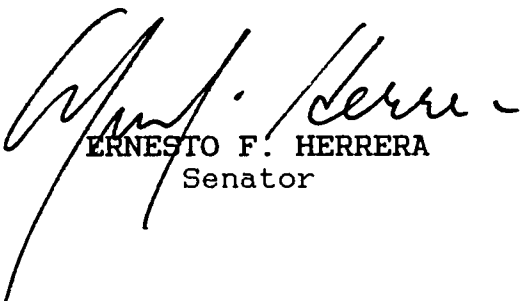
EXPLANATORY NOTE

To the sector which helps heavily our national economy thru the dollar income of its members must be bestowed the attention of the government. This may be done, in addition to existing programs in favor of the overseas contract workers, thru the creation of three (3) rehabilitation centers, one (1) each for Luzon, Visayas and Mindanao.

The program for the overseas contract workers and their dependents will involve their rehabilitation from injuries or illnesses suffered. Moreover, these centers are envisioned to give special emphasis on the rehabilitation of drug dependents.

This bill will hopefully give better welfare benefits to those qualified under the program.

In view of the foregoing, it is earnestly requested that this bill be approved.


ERNESTO F. HERRERA
Senator