

S E N A T E

S. No. 2077

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Introduced by Senators Herrera, Ople, Romulo, Angara,  
Shahani, Alvarez, Biazon, Coseteng, Gonzales, Macapagal,  
Maceda, Mercado, Rasul, Revilla, Roco, Sotto, Tatad,  
Tolentino and Webb  
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AN ACT

TO INSTITUTE THE POLICIES OF THE OVERSEAS EMPLOYMENT AND  
ESTABLISH A HIGHER STANDARD OF PROTECTION AND PROMOTION OF  
THE WELFARE OF MIGRANT WORKERS AND FOR OTHER PURPOSES

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

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

3 SEC. 2. *Declaration of Policies.* -

4 (a) The State shall afford full protection to labor,  
5 local and overseas, organized and unorganized, and promote  
6 full employment and equality of employment opportunities for  
7 all. Towards this end, the State shall provide  
8 adequate and timely social, economic and legal services to  
9 Filipino migrant workers.

10 (b) In the pursuit of an independent foreign policy  
11 and while considering national sovereignty, territorial  
12 integrity, national interest and the right to self-  
13 determination paramount in its relations with other states,  
14 the State shall, at all times, uphold the  
15 dignity of its citizens, in general, and Filipino migrant  
16 workers, in particular.

17 (c) While recognizing the significant contribution of  
18 Filipino migrant workers to the national economy through  
19 their foreign exchange remittances, the State does not  
20 promote overseas employment as a means to sustain economic

1 growth and achieve national development. The existence of  
 2 the overseas employment program rests solely on the  
 3 assurance that the dignity and fundamental human rights and  
 4 freedoms of the Filipino citizen shall not, at any time, be  
 5 compromised or violated. The State, therefore, shall  
 6 continuously create local employment opportunities and  
 7 promote the equitable distribution of wealth and the  
 8 benefits of development.

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

17 (e) Free access to the courts and quasi-judicial  
 18 bodies and adequate legal assistance shall not be denied to  
 19 any person by reason of poverty. In this regard, it is  
 20 imperative that an effective mechanism be instituted to  
 21 ensure that the rights and interests of Filipino migrant  
 22 workers in distress, documented or undocumented, are  
 23 adequately protected and safeguarded.

24 (f) The right of Filipino migrant workers to  
 25 participate in the democratic decision-making processes of  
 26 the State and to be represented in institutions relevant to  
 27 overseas employment is recognized and guaranteed. The  
 28 immediate institution of a system of absentee voting by  
 29 Filipino migrant workers is imperative.

30 (g) Deployment of Filipino workers abroad entails, on  
 31 the part of the State, a responsibility to ensure their  
 32 protection. Pursuant to this, the government shall deploy  
 33 and/or allow the deployment of skilled Filipino workers and

1 only to countries that guarantee their protection.  
2 Guarantee of protection to Filipino migrant workers may be  
3 manifested by any of the following:

4 i) The country has existing labor and social laws  
5 protecting the rights of migrant workers; or

6 ii) The country is a signatory to multilateral  
7 conventions, declarations or resolutions relating to the  
8 protection of migrant workers; or

9 iii) The country has concluded or is about to conclude  
10 a bilateral agreement or arrangement with the Government  
11 protecting the rights of overseas Filipino workers; or

12 iv) The country is taking positive, concrete measures  
13 to protect the rights of migrant workers.

14 (h) Non-governmental organizations, duly recognized as  
15 legitimate, are partners of the State in the protection of  
16 Filipino migrant workers and in the promotion of their  
17 welfare. The State shall cooperate with them in a spirit of  
18 trust and mutual respect.

19 (i) The administrative cost of recruitment,  
20 introduction, placement and assistance to migrant workers  
21 shall be rendered free without prejudice to the provision  
22 of Section 30 hereof.

23 Nonetheless, the deployment of Filipino overseas  
24 workers, whether land based or sea based, by local service  
25 contractor and manning agencies employing them shall be  
26 encouraged. Appropriate incentives may be extended to them.

27 SEC. 3. *Migrant Workers; Definition.* - For purposes of  
28 this Act, migrant worker refers to a person who is to be  
29 engaged, is engaged or has been engaged in a remunerated  
30 activity in a state of which he or she is not a national.

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I

ILLEGAL RECRUITMENT

SEC. 4. *Definition.* - For purposes of this Act, illegal recruitment shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers and includes referrals, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a non-licensee or non-holder of authority contemplated under Article 13(f) of the Labor Code: *Provided,* That any such non-licensee or non-holder who, in any manner, offers or promises for a fee employment abroad to two or more persons shall be deemed so engaged. It shall likewise include the following acts, whether committed by any person, whether a non-licensee, non-holder, licensee or holder of authority:

(a) To charge or accept directly or indirectly any amount greater than that specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment, or to make a worker pay any amount greater than that actually received by him as a loan or advance;

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

(c) To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of securing a license or authority under this Act;

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

(e) To influence or attempt to influence any person or entity not to employ any worker who has not applied for employment through his agency;

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

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

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

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

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

22 (k) To withhold or deny travel documents from  
23 applicant workers before departure for monetary or financial  
24 considerations other than those authorized under this Act  
25 and its implementing rules and regulations;

26 (l) Failure to actually deploy without valid reason as  
27 determined by the Department of Labor and Employment;

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

1           Illegal recruitment when committed by a syndicate or in  
2 large scale shall be considered an offense involving  
3 economic sabotage.

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

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

13           SEC. 5. *Penalties.* -

14           (a) Any person found guilty of illegal recruitment  
15 shall suffer the penalty of imprisonment of not less than  
16 six (6) years and one (1) day but not more than twelve (12)  
17 years and a fine of not less than Two hundred thousand pesos  
18 (P200,000.00) nor more than Five hundred thousand pesos  
19 (P500,000.00).

20           (b) The penalty of life imprisonment and a fine of not  
21 less than Five hundred thousand pesos (P500,000.00) nor more  
22 than One million pesos (P1,000,000.00) shall be imposed if  
23 illegal recruitment constitutes economic sabotage as defined  
24 herein.

25           *Provided, however,* That the maximum penalty shall be  
26 imposed if the person illegally recruited is less than  
27 eighteen (18) years of age.

28           SEC. 6. *Prohibition on Officials and Employees.* - It  
29 shall be unlawful for any official or employee of the  
30 Department of Labor and Employment, the POEA or the OWWA, or  
31 their relatives within the fourth civil degree of  
32 consanguinity or affinity, to engage, directly or indirectly,

1 in the business of recruiting migrant workers as defined in  
2 this Act. The penalties provided in the next preceding  
3 paragraph shall be imposed upon them.

4 SEC. 7. Venue. - A criminal action arising from  
5 illegal recruitment as defined herein shall be filed with  
6 the Regional Trial Court of the Province or City where the  
7 offense was committed or where the offended party actually  
8 resides at the time of the commission of the offense:  
9 *Provided*, That the Court where the criminal action is first  
10 filed shall acquire jurisdiction to the exclusion of other  
11 courts: *Provided*, however, That the aforestated provisions  
12 shall also apply to those criminal actions that have already  
13 been filed in court at the time of the effectivity of this  
14 Act.

15 SEC. 8. *Free Legal Assistance; Automatic Entitlement*  
16 *Under the Witness Protection Program.* - A mechanism for free  
17 legal assistance for victims of illegal recruitment shall be  
18 established within the Department of Labor and Employment  
19 including its regional offices. Such mechanism must include  
20 coordination and cooperation with the Department of Justice,  
21 the Integrated Bar of the Philippines, and other non-  
22 governmental organizations and volunteer groups.

23 The provisions of Republic Act 6981 to the contrary  
24 notwithstanding, any person who is a victim of illegal  
25 recruitment shall be entitled to the Witness Protection  
26 Program provided thereunder.

27 SEC. 9. *Mandatory Periods for Resolution of Illegal*  
28 *Recruitment Cases.* - The preliminary investigations of cases  
29 under this Act shall be terminated within a period of  
30 fifteen (15) calendar days from the date of their filing.

1           Where the preliminary investigation is conducted by a  
 2 prosecution officer and a *prima facie* case is established,  
 3 the corresponding information shall be filed in court  
 4 within twenty-four (24) hours from the termination of the  
 5 investigation. If the preliminary investigation is conducted  
 6 by a judge and a *prima facie* case is found to exist, the  
 7 corresponding information shall be filed by the proper  
 8 prosecution officer within forty-eight (48) hours from the  
 9 date of receipt of the records of the case.

10           SEC. 10. *Prescriptive Periods.* - Illegal recruitment  
 11 cases under this Act shall prescribe in five (5) years:  
 12 *Provided, however,* That illegal recruitment cases involving  
 13 economic sabotage as defined herein shall prescribe in  
 14 twenty (20) years.

15           SEC. 11. *Money Claims.* - Notwithstanding any provision  
 16 of law to the contrary, the Labor Arbiters of the National  
 17 Labor Relations Commission (NLRC) shall have the original  
 18 and exclusive jurisdiction to hear and decide, within ninety  
 19 (90) calendar days after the filing of the complaint, the  
 20 claims arising out of an employer-employee relationship or  
 21 by virtue of any law or contract involving Filipino workers  
 22 for overseas employment including claims for actual, moral,  
 23 exemplary and other forms of damages.

24           The liability of the principal and the  
 25 recruitment/placement agency or any and all claims under  
 26 this Section shall be joint and several. This provision  
 27 shall be incorporated in the contract for overseas  
 28 employment and shall be a condition precedent for its  
 29 approval. The performance bond to be filed by the  
 30 recruitment/placement agency, as provided by law, shall be  
 31 answerable for all money claims or damages that maybe  
 32 awarded to the workers. If the recruitment/placement agency



1 is a juridical being, the corporate officers and directors  
 2 and partners as the case maybe, shall themselves be jointly  
 3 and solidarily liable with the corporation or partnership  
 4 for the aforesaid claims and damages.

5 Such liabilities shall continue during the entire  
 6 period or duration of the employment contract and shall not  
 7 be affected by any substitution, amendment or modification  
 8 made locally or in a foreign country of the said contract.

9 Any compromise/amicable settlement or voluntary  
 10 agreement on any money claims exclusive of damages under  
 11 this Section shall not be less than fifty percent (50%) of  
 12 such money claims: *Provided*, That any installment payments,  
 13 if applicable, to satisfy any such compromise or voluntary  
 14 settlement shall not be more than four (4) months. Any  
 15 compromise/voluntary agreement in violation of this  
 16 paragraph shall be null and void.

17 Non-compliance with the mandatory periods for  
 18 resolutions of cases provided under this Section shall  
 19 subject the responsible officials to any or all of the  
 20 following penalties:

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

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

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

28 *Provided, however*, That the penalties herein provided  
 29 shall be without prejudice to any liability which any such  
 30 official may have incurred under other existing laws or  
 31 rules and regulations as a consequence of violating the  
 32 provisions of this paragraph.

## II

## SERVICES

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

SEC. 13. *Repatriation of Workers; Emergency Repatriation Fund.* - The repatriation of the worker and the transport of his personal belongings shall be the primary responsibility of the agency which recruited or deployed the worker overseas. All costs attendant to repatriation shall be borne by or charged to by the agency concerned and/or its principal.

Likewise, the repatriation of remains and transport of the personal belongings of a deceased worker and all costs attendant thereto shall be borne by the principal and/or the local agency.

The Overseas Workers Welfare Administration (OWWA) shall undertake the repatriation of workers in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events without prejudice to reimbursement from the responsible principal or agency.

1 For this purpose, there is hereby created and  
2 established an emergency repatriation fund under the  
3 administration, control and supervision of the OWWA,  
4 initially to consist of One hundred million pesos  
5 (₱100,000,000.00); which shall be taken from the existing  
6 fund controlled and administered by OWWA. Thereafter, such  
7 fund shall be provided for in the General Appropriations Act  
8 from year to year: *Provided*, That the amount appropriated  
9 shall in no case be less than One hundred million pesos  
10 (₱100,000,000.00).

11 SEC. 14. *Mandatory Repatriation of Underage Migrant*  
12 *Workers* - Upon discovery or being informed of the presence  
13 of migrant workers whose actual ages fall below the minimum  
14 age requirement for overseas deployment, the responsible  
15 officers in the foreign service shall without delay  
16 repatriate said workers and advise the Department of Foreign  
17 Affairs through the fastest means of communication available  
18 of such discovery and other relevant information.

19 SEC. 15. *Reintegration into the Mainstream*. - The DOLE  
20 shall facilitate the smooth reintegration of returning  
21 migrant workers into the mainstream of economic activities  
22 in the country.

23 The DOLE, OWWA and POEA shall, within ninety (90) days  
24 from the effectivity of this Act, formulate a program that  
25 would motivate migrant workers to plan for productive  
26 options such as entry into highly technical jobs or  
27 undertakings, livelihood and entrepreneurial development,  
28 better wage employment, and investment of savings.

29 For this purpose, the Technical Education and Skills  
30 Development Authority (TESDA), Technology Livelihood  
31 Resource Center (TLRC) and other government agencies  
32 involved in training and livelihood development shall give

1 priority to returnees who had been employed as domestic  
2 helpers and entertainers.

3 SEC. 16. *Establishment of a Migrant Workers Resource*  
4 *Center.* - Within the premises and under the administrative  
5 jurisdiction of the Philippine Embassy in countries where  
6 there are large concentrations of Filipino migrant workers,  
7 there shall be established a Migrant Workers Resource Center  
8 with the following services:

9 (a) Counselling and legal services;

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

12 (c) Information, advisory, settlement and community  
13 networking services;

14 (d) Institute a scheme of registration of undocumented  
15 workers to bring them within the purview of this Act. For  
16 this purpose, the Center is enjoined to compel existing  
17 undocumented workers to register with it within six (6)  
18 months from the effectivity of this Act, under pain of  
19 having his/her passport cancelled.

20 (e) Human resource development;

21 (f) Skills training and upgrading for eventual  
22 reintegration back home; and

23 (g) Gender sensitive programs and activities to assist  
24 particular needs of women OCWs.

25 The Center shall be staffed by the service attaches or  
26 officers who represent other Philippine government agencies  
27 abroad and, if available, nongovernment organizations and  
28 volunteers from the host countries. In countries  
29 categorized as highly problematic by the Department of  
30 Foreign Affairs and the Department of Labor and Employment  
31 and where there is a concentration of Filipino migrant  
32 workers, the government must provide a lawyer and a social

1 worker for the Center. The Labor Attache shall coordinate  
2 the operation of the Center and shall keep the Chief of  
3 Mission informed and updated on all matters affecting it.

4 The Center shall have a counterpart 24-hour information  
5 and assistance center at the Department of Foreign Affairs  
6 in the Philippines coordinating with appropriate government  
7 agencies and nongovernment organizations to ensure  
8 networking and coordinative mechanisms in the home  
9 office. The counterpart center shall assume full  
10 responsibility for such assistance.

11 SEC. 17. *Information Assistance.* - There shall be a  
12 data system which shall provide assistance services such as,  
13 but not limited to:

14 a) list of Filipino contract workers classified  
15 according to sex, age, job category, occupation, civil  
16 status and country of destination;

17 b) statistical profile of Filipino migrants overseas;

18 c) basic data on legal systems, immigration policies,  
19 marriage laws and civil and criminal codes in receiving  
20 countries particularly those with large numbers of  
21 Filipinos;

22 d) list of labor and other human rights instruments  
23 where receiving countries are signatories;

24 e) programs and services available to Filipino workers  
25 abroad; and

26 f) a tracking system of past and present gender  
27 disaggregated cases involving male and female OCWs.

28 SEC. 18. *Migrant Workers Loan Guarantee Fund.* - In  
29 order to further prevent unscrupulous illegal recruiters  
30 from taking advantage of workers seeking employment abroad,  
31 the OWWA, in coordination with government financial  
32 institutions shall institute financing schemes that will

1 expand the grant of pre-departure loan and family assistance  
2 loan. For this purpose, a Migrant Workers Loan Guarantee  
3 Fund is hereby created and the initial amount of One hundred  
4 million (P100,000,000) pesos from the OWWA is set aside as a  
5 guarantee fund in favor of participating government  
6 financial institutions.

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

26 III

27 THE PRESIDENTIAL LEGAL ASSISTANT FOR MIGRANT WORKERS AFFAIRS

28 SEC. 20. *Presidential Legal Assistant for Migrant*  
29 *Workers Affairs.* - There is hereby created the position of  
30 "Presidential Legal Assistant for Migrant Workers Affairs"  
31 under the Office of the President who shall be primarily  
32 responsible for the provision and overall coordination of

1 all legal assistance services to be provided to Filipino  
2 migrant workers.

3 The said presidential legal assistant, shall be  
4 appointed by the President and must be of proven competence  
5 in the field of law with at least ten (10) years of  
6 experience as a legal practitioner and must not have been a  
7 candidate to an elective office in the last local or  
8 national elections.

9 Among the functions and responsibilities of the  
10 aforesaid legal assistant are:

11 a) to issue the guidelines, procedures and criteria  
12 for the provision of legal assistance services to Filipino  
13 migrant workers;

14 b) to establish close linkages with the Department of  
15 Foreign Affairs, the Department of Labor and Employment,  
16 POEA, OWWA and other government agencies concerned, as well  
17 as with non-governmental organizations assisting migrant  
18 workers, to ensure effective coordination and cooperation in  
19 the provision of legal assistance to migrant workers;

20 c) to tap the assistance of reputable law firms and  
21 the Integrated Bar of the Philippines and other bar  
22 associations to complement the government's efforts to  
23 provide legal assistance to our migrant workers;

24 d) to administer the Legal Assistance Fund for  
25 migrant workers established under Section 20 hereof and  
26 to authorize disbursements therefrom in accordance with the  
27 purposes for which the fund was set up; and

28 e) to keep and maintain the information system as  
29 provided in Section 17.

30 The Presidential Legal Assistant shall have authority  
31 to hire private lawyers, domestic or foreign in order to  
32 assist him in the effective discharge of the above  
33 functions.

1 SEC. 21. *Legal Assistance Fund.* - There is hereby  
2 established a Legal Assistance Fund for Migrant Workers,  
3 hereinafter referred to as the "Legal Assistance Fund", in  
4 the amount of One hundred million pesos (₱100,000,000.00) to  
5 be constituted from the following sources:

6 ₱50 M from the Contingency Fund of the President

7 ₱30 M from the Presidential Social Fund

8 ₱20 M from the Welfare Fund for Overseas Workers  
9 established under L.O.I. No. 537, as  
10 amended by P.D. Nos. 1694 and 1809.

11 Any balances of existing funds which have been set  
12 aside by the government specifically as legal assistance or  
13 defense fund to help migrant workers shall, upon effectivity  
14 of this Act, be turned over to, and form part of, the Fund  
15 created under this Act.

16 SEC. 22. *Uses of the Legal Assistance Fund.* - The Legal  
17 Assistance Fund created under the preceding section shall be  
18 used exclusively to provide legal services to migrant  
19 workers in accordance with the guidelines, criteria and  
20 procedures promulgated in accordance with Section 19(a)  
21 hereof. The expenditures to be charged against the Fund  
22 shall include the fees for the foreign lawyers to be hired  
23 by the Presidential Legal Assistant for Migrant Workers  
24 Affairs to represent migrant workers facing charges abroad,  
25 bail bonds to secure the temporary release of workers under  
26 detention, court fees and charges and other litigation  
27 expenses.

28 IV

29 COUNTRY-TEAM APPROACH

30 SEC. 23. *Primordial Concern of Philippine Embassies.* -  
31 The country-team approach, as enunciated under Executive  
32 Order No. 74, series of 1993 shall be the mode under which



1 Philippine Embassies or their personnel will operate in the  
2 protection of the Filipino migrant workers as well as in the  
3 promotion of their welfare. The protection of the Filipino  
4 migrant workers and the promotion of their welfare, in  
5 particular, and the protection of the dignity and  
6 fundamental rights and freedoms of the Filipino citizen, in  
7 general, shall be the highest priority concerns of the  
8 Secretary of Foreign Affairs and the Philippine Foreign  
9 Service Post.

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## V

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## DEREGULATION AND PHASE-OUT

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13 SEC. 24. *Comprehensive Deregulation Plan on Recruitment*  
14 *Activities.* - Pursuant to a progressive policy of  
15 deregulation whereby the migration of workers becomes  
16 strictly a matter between the worker and his foreign  
17 employer, the DOLE, within one (1) year from the effectivity  
18 of this Act, is hereby mandated to formulate a five (5) year  
19 comprehensive deregulation plan on recruitment activities  
20 taking into account labor market trends, economic conditions  
21 of the country and emerging circumstances which may affect  
22 the welfare of migrant workers.

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24 SEC. 25. *Gradual Phase-Out of Regulatory Functions.* -  
25 Within a period of five (5) years from the effectivity of  
26 this Act, the DOLE shall phase-out the regulatory functions  
27 of the POEA pursuant to the objectives of deregulation.

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## VI

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## MISCELLANEOUS PROVISIONS

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31 SEC. 26. *POEA and OWWA Boards; Additional Memberships.*  
32 - Notwithstanding any provision of law to the contrary, the  
33 respective Boards of the POEA and OWWA shall, in addition to  
34 their present composition, have three (3) members each who  
35 shall come from the women, sea-based and land-based sectors

1 respectively, to be appointed by the President in the same  
2 manner as the other members.

3 SEC. 27. *Report to Congress.* - In order to update  
4 Congress on the situation of Filipino Migrant Workers in  
5 foreign countries, the Department of Foreign Affairs and the  
6 Department of Labor and Employment shall submit an annual  
7 report on the following:

8 (a) Working conditions of Filipino migrant workers;

9 (b) Problems encountered by the migrant workers,  
10 specifically violations of their rights;

11 (c) Initiatives/actions taken by the Philippine foreign  
12 posts to address the problems of Filipino Migrant Workers;

13 (d) Changes in the laws and policies of host countries;  
14 and

15 (e) Status of negotiations on bilateral labor  
16 agreements between the Philippines and the host country.

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

20 SEC. 28. *Representation in Congress.* - Pursuant to  
21 Section 5(2) Article VI of the Constitution and in line with  
22 the objective of empowering overseas Filipinos to  
23 participate in the policy-making process to address Filipino  
24 migrant concerns, five (5) sectoral representatives for  
25 migrant workers in the House of Representatives shall be  
26 appointed by the President on the basis of proportional  
27 representation from the regional distribution of migrant  
28 workers: *Provided*, That two (2) of the five (5) sectoral  
29 representatives shall come from the women migrant workers  
30 sector.

31 *Provided, further*, That all nominees must have at least  
32 five (5) years experience as a migrant worker.

1           SEC. 29. *Exemption from Travel and Airport Tax.* - All  
2 laws to the contrary notwithstanding, the migrant worker  
3 shall be exempt from the payment of travel and airport tax  
4 upon proper showing of proof of entitlement by the POEA.

5           SEC. 30. *Non-Increase of Fees; Abolition of*  
6 *Repatriation Bond.* - Upon approval of this Act, all fees  
7 being charged by any government office on migrant workers  
8 shall remain at their present levels and the repatriation  
9 bond shall be abolished.

10          SEC. 31. *The Congressional Migrant Workers Scholarship*  
11 *Fund.* - There is hereby created a Congressional Migrant  
12 Workers Scholarship Fund which shall benefit deserving  
13 migrant workers and/or their immediate descendants below  
14 twenty-one (21) years of age who intend to pursue courses or  
15 training primarily in the field of science and technology.  
16 The initial seed fund of Two hundred million pesos shall be  
17 instituted from the following sources:

18           1) fifty (50) million from the unexpended Countrywide  
19 Development Fund for 1995 in equal sharing for all Members  
20 of Congress;

21           2) the remaining One hundred fifty million shall be  
22 funded from the proceeds of Lotto draw.

23          SEC. 32. *Appropriation and other Sources of Funding.* -  
24 The amount necessary to carry out the provisions of this Act  
25 shall be in the General Appropriations Act of the year  
26 following its enactment into law and thereafter.

27          SEC. 33. *Migrant Workers Day.* - The day of signing by  
28 the President of this Act shall be designated as the  
29 "Migrant Workers Day" and shall henceforth be commemorated  
30 as such annually.

31          SEC. 34. *Implementing rules and regulations.* - The  
32 departments and agencies charged with carrying out the

1 provisions of this Act shall, within ninety (90) days after  
2 the effectivity of this Act, formulate the necessary rules  
3 and regulations for its effective implementation.

4 SEC. 35. *Repealing Clause.* - All laws, decrees,  
5 executive orders, rules and regulations, or parts thereof,  
6 inconsistent with the provisions of this Act are hereby  
7 repealed or modified accordingly.

8 SEC. 36. *Separability Clause.* - If, for any reason,  
9 any section or provision of this Act is held  
10 unconstitutional or invalid, the other sections or  
11 provisions hereof shall not be affected thereby.

12 SEC. 37. *Effectivity.* - This Act shall take effect  
13 after fifteen (15) days from its publication in the *Official*  
14 *Gazette* or in at least two (2) national newspapers of  
15 general circulation, whichever comes earlier.

Approved,