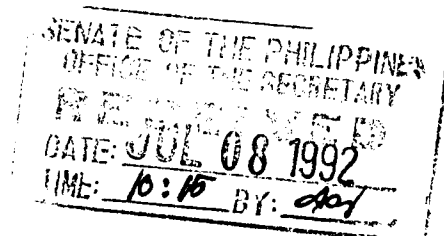


SENATE

S. NO. 312



Introduced by Senator Maceda

AN ACT
TO FIX THE MINIMUM WAGE FOR OVERSEAS DOMESTIC HELPERS AND TO
PROVIDE PENALTIES FOR VIOLATION THEREOF

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

1 SECTION 1. The minimum wage of domestic helpers for
2 overseas employment is hereby fixed at US\$400.00 per month.

3 SEC. 2. Nothing in this Act shall be construed to
4 reduce any existing allowances and benefits of any form
5 under existing laws, decrees, issuances, executive orders,
6 and/or under any contract or agreement between workers and
7 employers.

8 SEC. 3. The Secretary of Labor and Employment shall
9 promulgate the necessary rules and regulations to implement
10 this Act.

11 SEC. 4. Any person, corporation, partnership,
12 association or entity found violating or causing another to
13 violate this Act shall, upon conviction thereof, suffer the
14 penalty of imprisonment of not less than four years nor more
15 than eight (8) years and/or fine of not less than twenty-
16 five thousand pesos nor more than fifty thousand pesos:
17 Provided, That any person convicted under this Act shall not
18 be entitled to the benefits provided for under the Probation
19 Law. If the offender is a corporation, partnership,
20 association or entity, the penalty shall be imposed upon the

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1 officer or officers of the corporation, partnership,
2 association or entity responsible for violation; and if such
3 officer is an alien, he shall, in addition to the penalties
4 herein prescribed, be deported without further proceedings.

5 In every case, conviction shall cause and carry the
6 automatic revocation of the license or authority and all the
7 permits and privileges granted to such person or entity, and
8 the forfeiture of the cash and surety bonds in favor of
9 Philippine Overseas Employment Administration.

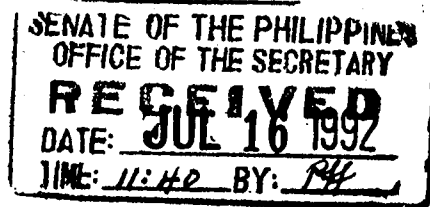
10 SEC. 5. All laws, orders, issuances, rules and
11 regulations or part thereof inconsistent with the provisions
12 of this Act are hereby amended, repealed or modified
13 accordingly.

14 SEC. 6. This Act shall take effect fifteen (15) days
15 following the completion of its publication in the Official
16 Gazette or in at least two (2) national newspapers of
17 general circulation.

Approved,

LEL:MLO/jmv

Congress of the Philippines
First Regular Session



S E N A T E

S. No. 388

Introduced by Senator Anna Dominique Coseteng

EXPLANATORY NOTE

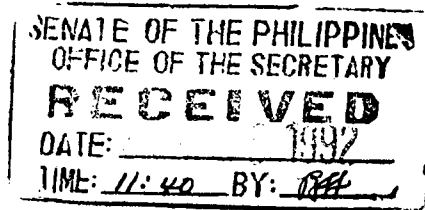
IT HAS BEEN SAID THAT OUR OVERSEAS CONTRACT WORKERS (OCWs) ARE THE NEW HEROES OF OUR COUNTRY. THEY ARE SAID TO BE THE NEW HEROES BECAUSE THRU THE BLOOD, SWEAT AND TEARS OF THESE OCWs AND THEIR FAMILIES, THE COUNTRY IN EFFECT EARNS AND CONTINUE TO EKE OUT A LIVING THRU THE EFFORTS OF THESE CITIZENS. THIS IS OUR REALITY FOR THE PRESENT AND IT WOULD SEEM THAT THE FUTURE WILL HOLD NO OTHER CHOICE. THE GROWTH OF SERVICE-ORIENTED ECONOMIES INCLUDING THAT OF THE PHILIPPINES MAY REALLY BE THE WAVE OF THE FUTURE AND THE NECESSARY PROTECTION AND GOODWILL MUST BE ENSURED AND GENERATED BY AND FOR OUR WORKERS. THIS BILL THEREFOR AIMS TO UPDATE THE LABOR CODE, GIVE DUE RECOGNITION TO THE IMPORTANCE OF THE OCWs AND THE CORRESPONDING OVERSEAS LABOR MARKET, CENTRALIZE AND PINPOINT RESPONSIBILITY ON ONE LEAD AGENCY, EXPAND THE CONCEPT OF AN OCW SO AS TO INCLUDE AN APPLICANT THEREOF, PROVIDE NEW STATUTORY RIGHTS AND DUTIES TO AN OCW, DECLARE MORE ACTS AS ILLEGAL AND PUNISHABLE AND EXTEND STATUTORY ASSISTANCE TO THE FAMILIES OF SUCH OCWs.

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Anna Dominique Coseteng

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Congress of the Philippines
First Regular Session



S E N A T E

S. No. 388

Introduced by Senator Anna Dominique Coseteng

AN ACT TO PROMOTE AND PROTECT THE RIGHTS OF OVERSEAS CONTRACT WORKERS, AMENDING BOOKS 1 AND 2 OF THE LABOR CODE (PD442) AS AMENDED AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE PHILIPPINES IN CONGRESS ASSEMBLED:

Section 1. POLICY.

It is the policy of the state to promote and protect the rights of Overseas Contract Workers (hereinafter OCWs) from the time of application for employment up to termination of employment. Towards this end, the state shall adopt measures to enhance employment opportunities abroad, provide training and qualification standards for OCWs, prevent illegal recruitment and/or exploitation of OCWs and ensure their general well being including that of their families.

Section 2. DEFINITION OF TERMS. As used in this Act, the following terms shall be understood to mean as follows:

- A. DCWs - means any person working or who has worked overseas under a valid employment contract and shall include seamen and an applicant for overseas employment.
- B. Government to government hiring - means recruitment and hiring of Filipino workers by foreign government ministries or instrumentalities thru the administration.
- C. Overseas employment - means employment of a worker outside the Philippines including employment on board vessels plying international waters covered by a valid employment contract.
- D. Remittance - means the amount or portion of the foreign exchange earnings sent by the worker to any beneficiary in the Philippines.
- E. Administration - means the Philippines Overseas Employment Administration.
- F. Entertainment Industry - covers musicians, singers, artists, choral groups and others duly accredited by the Cultural Center of the Philippines.
- G. Assistance Centers - means offices which are to be set-up to help DCWs and their families cope with overseas employment together with all its ramifications.
- H. Illegal Jobs - cover the following: prostitution, slavery, hospitality girls, hostesses, masseurs or physical therapists, bar girls, home service girls, escort service girls, nude dancing / modeling /

drama / play and others of a similar nature where the physical attributes or sex is the primary concern and not the skill or other qualification of such OCWs.

Section 3. RIGHTS OF OVERSEAS CONTRACT WORKERS.

A. Right to the full benefit and protection of his contract which shall include among others the following:

- 1. Guaranteed wages for regular working hours and overtime pay for services rendered beyond regular working hours both of which shall be in accordance with the standards established by the Administration;
- 2. Free transportation from point of hire to site of employment and return;
- 3. Free emergency medical and dental treatment and facilities;
- 4. Repatriation of worker's remains and properties in case of death to the point of hire, or if this is not possible under the circumstances, the proper disposition thereof, upon prior arrangement with workers next-of-kin and the nearest Philippine Embassy or Consulate or Regional Labor Center;
- 5. Remittance of worker's salaries, allowances or allotments to his beneficiaries;
- 6. Adequate board and lodging facilities;
- 7. Grievance machinery for workers.

- B. Right to legal assistance in civil and criminal cases arising from the terms and conditions of employment.
- C. Right of repatriation in cases of war or other fortuitous event, physical or mental abuse resulting in serious physical injuries or less serious physical injuries inflicted by the employer and other similar cases.
- D. Right to join or form worker's organizations or associations in the place of employment.
- E. Freedom from discrimination in the place of work.
- F. Right to sustenance (board and lodging) in the country of employment where the employee has left the work place for injuries sustained in the course of employment; his employment has been terminated for just cause and he is destitute or for any other reason which merits assistance from the administration.
- G. Right to a fare discount of fifty percent from the nation's flag carrier where his employment has been terminated out with just cause.
- H. Other rights which pertain to an employee under the Labor Code which are not otherwise inconsistent with the provisions of this act or with the laws of the country of employment.

Section 4. DUTIES OF OVERSEAS CONTRACT WORKERS.

- A. Every OCW must faithfully comply with the terms and

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conditions of his contract.

- B. Every OCW must undergo the best possible training for the job which is the subject matter of the contract.
- C. Every OCW must protect and safeguard the name, honor, and reputation of his country.
- D. Every OCW must strive to be the model employee in his place of employment.
- E. Every OCW must comply with the mandatory remittance requirement as provided for under the Labor Code and its implementing rules and regulations.

Section 5. LEAD AGENCY/FUNCTIONS.

The Philippine Overseas Employment Administration (POEA) shall be the lead agency in the implementation of the provisions of this Act. It shall act as the first and last recourse of OCWs with respect to their rights and duties under the contract and this Act. Towards this end, the POEA is hereby vested with the following functions:

1. to negotiate with other countries for government to government hiring;
2. to register and accredit recruitment agencies engaged in overseas employment;
3. to lay down remittance procedures with government banks;
4. to set down the rules and fees of recruitment by recruitment agencies;
5. to inspect, search, seize and/or close in accordance

with law establishments found to be in violation of this Act, the Labor Code and their corresponding rules and regulations;

- 6. to prescribe training and qualification standards for different job classifications involving overseas employment;
- 7. to have original and final jurisdiction over cases arising out of the contract including appeals from the grievance machinery specified in the contract;
- 8. to determine the assistance needs of OCWs and their families;
- 9. to suspend or prohibit employment of OCWs in particular jobs or countries;
- 10. such other function or power as may be necessary to effectively implement the provisions of this Act.

Section 6. OTHER PROVISIONS.

- a. Assistance centers - OCW assistance centers shall be set-up in the place of employment depending on the density of the OCWs and in the place of origin of the OCWs.
- b. OCWs shall be entitled to representation in the POEA and in the Congress of the Republic of the Philippines.
- c. The recruitment of domestic helpers for overseas employment shall be phased out within 5 years from the effectivity of this Act.

Section 7. PROHIBITIONS: The following acts are deemed illegal-

- a. to employ or recruit female OCWs who are under 25 years

of age in the entertainment industry.

- b. to charge fees in excess of that provided by the administration.
- c. the de facto change of job classification of OCWs as stated in the contract or otherwise circumvent the provisions of the contract.
- d. to recruit OCWs for illegal jobs as defined herein.

Section 8. PENALTY.

The penalty of prision correccional to prision mayor under the Revised penal code shall be imposed for any violation of Sec.7 hereof.

Section 9. APPROPRIATIONS.

As seed fund for the implementation of the provisions of this Act, the amount of 100 million pesos of DWA funds shall be transferred to an OCW account to be administered by the POEA. In addition, the amount of 50 million pesos shall be included in the the 1993 General Appropriations Act and every year thereafter.

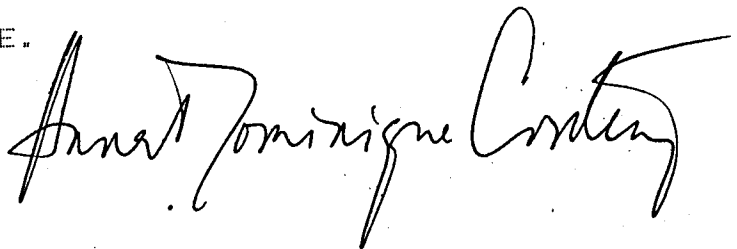
Section 10. IMPLEMENTING RULES AND REGULATIONS.

The POEA shall issue and publish the necessary rules and regulations to implement the provisions of this Act.

Section 11. REPORT TO THE CONGRESS.

An annual report shall be submitted by the POEA to the Congress of the Republic of the Philippines with respect to the implmentation of the provisions of this Act.

Section 12. SEPARABILITY CLAUSE.

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Any provision or part(s) hereof which may be declared unconstitutional shall not affect the other parts thereof which shall remain valid and binding for all intents and purposes.

Section 13. REPEALING CLAUSE.

All laws, orders, rules or regulations which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

Section 14. EFFECTIVITY CLAUSE.

This Act shall take effect 15 days after its publication in Filipino and English in at least two newspapers of general circulation.

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