



## HOUSE OF REPRESENTATIVES

H. No. 5649

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BY REPRESENTATIVES ZAMORA (M.), GATCHALIAN, PINGOY, SYJUCO,  
CHATTO, NICOLAS, MIRAFLORES, GONZALES (N.), DE GUZMAN,  
AGBAYANI, VELARDE AND ROMULO, PER COMMITTEE REPORT  
NO. 1593

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AN ACT IMPROVING THE STANDARDS OF PROTECTION AND  
ASSISTANCE FOR MIGRANT WORKERS, AMENDING FOR THIS  
PURPOSE REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS  
THE "MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT  
OF 1995"

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

1           SECTION 1. Section 4 of Republic Act No. 8042, otherwise known as  
2 the "Migrant Workers and Overseas Filipinos Act of 1995", is hereby amended  
3 to read as follows:

4                   "SEC. 4. *Deployment of Migrant Workers.* – The State  
5 shall deploy overseas Filipino workers only in countries where  
6 the rights of Filipino migrant workers are protected. The  
7 government recognizes any of the following as a guarantee on  
8 the part of the receiving country for the protection and the rights  
9 of overseas Filipino workers:

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

12                   "(b) It is a signatory to multilateral conventions,  
13 declarations or resolutions relating to the protection of migrant  
14 workers; AND

1           “(c) It has concluded a bilateral agreement or  
2 arrangement with the government protecting the rights of  
3 overseas Filipino workers.]; and

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

6           **“IN THE ABSENCE OF A CLEAR SHOWING THAT ANY OF  
7 THE GUARANTEES ENUMERATED UNDER THIS ACT EXISTS IN  
8 THE COUNTRY OF DESTINATION OF THE MIGRANT WORKERS,  
9 OR IF THE DEPARTMENT OF FOREIGN AFFAIRS AND THE  
10 DEPARTMENT OF LABOR AND EMPLOYMENT FAIL TO REPORT  
11 TO CONGRESS THE INFORMATION REQUIRED UNDER SECTION  
12 33 OF THIS ACT, IT SHALL BE UNLAWFUL FOR ANY OFFICIAL  
13 OR EMPLOYEE OF THE DEPARTMENT OF LABOR AND  
14 EMPLOYMENT TO ISSUE THE NECESSARY PERMIT FOR THE  
15 DEPLOYMENT OF MIGRANT WORKERS.**

16           **“THE OFFICIAL OR EMPLOYEE OF THE GOVERNMENT  
17 WHO WILFULLY AND GROSSLY VIOLATES THE PROVISIONS OF  
18 THE IMMEDIATELY PRECEDING PARAGRAPH SHALL, BY  
19 SUBSTANTIAL EVIDENCE IN A PROPER ADMINISTRATIVE  
20 PROCEEDING, BE REMOVED OR DISMISSED FROM SERVICE  
21 WITH DISQUALIFICATION TO HOLD ANY APPOINTIVE PUBLIC  
22 OFFICE FOR FIVE (5) YEARS.”**

23           SEC. 2. The first and fourth paragraphs of Section 10 of Republic Act  
24 No. 8042 are hereby amended to read as follows:

25           **“SEC. 10. *Monetary Claims.* – Notwithstanding any  
26 provision of law to the contrary, the Labor Arbiters of the  
27 National Labor Relations Commission (NLRC) shall have the  
28 original and exclusive jurisdiction to hear and decide, within  
29 ninety (90) calendar days after the filing of the complaint, the**

1 claims arising out of an employer-employee relationship or by  
 2 virtue of any law or contract involving Filipino workers for  
 3 overseas deployment, **WHETHER RECRUITED/DEPLOYED BY**  
 4 **LICENSED/UNLICENSED AGENCIES OR INDIVIDUALS OR BY THE**  
 5 **POEA**, including claims for actual, moral, exemplary and other  
 6 forms of damages.

7 "X X X

8 "Any compromise/amicable settlement or voluntary  
 9 agreement on money claims inclusive of damages under this  
 10 section shall be paid within [four (4) months] **ONE (1) MONTH**  
 11 from the approval of the settlement by the appropriate authority."

12 SEC. 3. A new Section 10-A of Republic Act No. 8042 is hereby added  
 13 to read as follows:

14 "**SEC. 10-A. *COMPULSORY LIABILITY INSURANCE FOR***  
 15 ***EVERY WORKER.*** – **IN ADDITION TO THE PERFORMANCE BOND**  
 16 **TO BE FILED BY THE RECRUITMENT/PLACEMENT AGENCY**  
 17 **UNDER SECTION 10, EACH WORKER DEPLOYED/PROCESSED BY**  
 18 **A LICENSED RECRUITMENT/PLACEMENT AGENCY AND THE**  
 19 **POEA SHALL BE COVERED BY A COMPULSORY EMPLOYMENT**  
 20 **LIABILITY INSURANCE WHICH SHALL BE ANSWERABLE FOR**  
 21 **MONEY CLAIMS OR DAMAGES THAT MAY BE AWARDED OR**  
 22 **GIVEN TO THE WORKER IN A JUDGMENT OR SETTLEMENT OF**  
 23 **HIS/HER CASE. SUCH INSURANCE COVERAGE SHALL BE**  
 24 **SECURED AT NO COST TO THE WORKER.**

25 "THE INSURANCE COVERAGE PER WORKER SHALL BE  
 26 EQUIVALENT TO **THREE (3) MONTHS** OF THE WORKER'S  
 27 SALARY FOR EVERY YEAR OF CONTRACT. **ONLY REPUTABLE**  
 28 **PRIVATE INSURANCE COMPANIES REGISTERED WITH THE**  
 29 **INSURANCE COMMISSION (IC), DULY ENDORSED BY A**

1           **RECOGNIZED ASSOCIATION OF RECRUITMENT/PLACEMENT**  
2           **AGENCIES, AND IN EXISTENCE FOR AT LEAST FIVE (5) YEARS**  
3           **PRIOR TO THE PROMULGATION OF THIS ACT SHALL BE**  
4           **QUALIFIED TO PROVIDE FOR THIS INSURANCE COVERAGE.**

5           **“IN CASE IT IS SHOWN, IN A PROPER ADMINISTRATIVE**  
6           **PROCEEDING, THAT THE WORKER WHO WAS DEPLOYED BY A**  
7           **LICENSED RECRUITMENT/PLACEMENT AGENCY HAS PAID FOR**  
8           **THE PREMIUM OR THE COST OF THE INSURANCE COVERAGE,**  
9           **THE SAID LICENSED RECRUITMENT/PLACEMENT AGENCY**  
10          **SHALL LOSE ITS LICENSE AND ALL ITS OFFICERS AND**  
11          **DIRECTORS SHALL BE PERPETUALLY DISQUALIFIED FROM**  
12          **ENGAGING IN THE BUSINESS OF RECRUITMENT/PLACEMENT OF**  
13          **OVERSEAS WORKERS. SUCH PENALTY IS WITHOUT PREJUDICE**  
14          **TO ANY OTHER LIABILITY WHICH SUCH OFFICERS AND**  
15          **DIRECTORS MAY HAVE INCURRED UNDER EXISTING LAWS,**  
16          **RULES OR REGULATIONS.**

17          **“THE SUBMISSION OF CERTIFICATE OF INSURANCE**  
18          **COVERAGE SHALL BE REQUIRED BY THE POEA FOR THE**  
19          **PROCESSING OF THE CONTRACTS OF THE WORKERS,**  
20          **INCLUDING REHIRES, NAME-HIRES AND DIRECT HIRES WHO**  
21          **ARE ALLOWED BY LAW.”**

22          SEC. 4. Section 32 of Republic Act No. 8042 is hereby amended to  
23 read as follows:

24                **“SEC. 32. *POEA and OWWA Board; Additional***  
25                ***Memberships.*** – Notwithstanding any provision of law to the  
26                contrary, the respective Boards of the POEA and the OWWA  
27                shall, in addition to their present composition, have three (3)  
28                members each who shall come from the women, sea-based and  
29                land-based sectors respectively, [to be appointed by the

1 President in the same manner as the other members] TO BE  
2 SELECTED AND NOMINATED OPENLY BY THE GENERAL  
3 MEMBERSHIP OF THE SECTOR BEING REPRESENTED.

4 "THE SELECTION AND NOMINATION SHALL BE  
5 GOVERNED BY THE FOLLOWING GUIDELINES:

6 "(A) THE POEA AND THE OWWA SHALL LAUNCH A  
7 MASSIVE INFORMATION CAMPAIGN ON THE SELECTION OF  
8 NOMINEES AND PROVIDE FOR A SYSTEM OF CONSULTATIVE  
9 SESSIONS FOR THE CERTIFIED LEADERS OR REPRESENTATIVES  
10 OF THE CONCERNED SECTORS, AT LEAST THREE (3) TIMES,  
11 WITHIN NINETY (90) DAYS BEFORE THE BOARDS SHALL BE  
12 CONVENED, FOR PURPOSES OF SELECTION. THE PROCESS  
13 SHALL BE OPEN, DEMOCRATIC AND TRANSPARENT.

14 "ONLY NONGOVERNMENT ORGANIZATIONS THAT  
15 PROTECT AND PROMOTE THE RIGHTS AND WELFARE OF  
16 OVERSEAS FILIPINO WORKERS, DULY REGISTERED WITH THE  
17 APPROPRIATE PHILIPPINE GOVERNMENT AGENCY AND IN  
18 GOOD STANDING AS SUCH, AND IN EXISTENCE FOR AT LEAST  
19 THREE (3) YEARS PRIOR TO THE NOMINATION, SHALL BE  
20 QUALIFIED TO NOMINATE A REPRESENTATIVE FOR EACH  
21 SECTOR TO THE BOARD;

22 "(B) THE NOMINEE MUST BE AT LEAST TWENTY-FIVE  
23 (25) YEARS OF AGE, ABLE TO READ AND WRITE, AND A  
24 MIGRANT WORKER AT THE TIME OF HIS/HER NOMINATION OR  
25 WAS A MIGRANT WORKER WITH AT LEAST THREE (3) YEARS  
26 EXPERIENCE AS SUCH;

27 "(C) A FINAL LIST OF ALL THE NOMINEES SELECTED  
28 BY THE POEA/OWWA GOVERNING BOARDS, WHICH SHALL  
29 CONSIST OF THREE (3) NAMES FOR EACH SECTOR TO BE

1 REPRESENTED, SHALL BE SUBMITTED TO THE PRESIDENT AND  
2 PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION; AND

3 “(D) WITHIN THIRTY (30) DAYS FROM THE  
4 SUBMISSION OF THE LIST, THE PRESIDENT SHALL THEN  
5 APPOINT THE REPRESENTATIVE TO THE POEA/OWWA  
6 GOVERNING BOARDS.

7 “THE ADDITIONAL MEMBERS SHALL HAVE A TERM OF  
8 THREE (3) YEARS AND SHALL BE ELIGIBLE FOR  
9 REAPPOINTMENT FOR ANOTHER THREE (3) YEARS. IN CASE OF  
10 VACANCY, THE PRESIDENT SHALL, IN ACCORDANCE WITH THE  
11 PROVISIONS OF THIS ACT, APPOINT A REPLACEMENT WHO  
12 SHALL SERVE THE UNEXPIRED TERM OF HIS/HER  
13 PREDECESSOR.”

14 SEC. 5. The first and last paragraph of Section 33 of Republic Act No.  
15 8042 are hereby amended to read as follows:

16 “SEC. 33. *Report to Congress.* – In order to inform the  
17 Philippine Congress on the implementation of the policy  
18 enunciated in Section 4 hereof, the Department of Foreign  
19 Affairs and the Department of Labor and Employment shall  
20 submit to the said body a semi-annual report of Philippine  
21 foreign posts located in countries hosting Filipino migrant  
22 workers. THE FIRST SEMI-ANNUAL REPORT COVERING THE  
23 PERIOD JANUARY TO JUNE SHALL BE SUBMITTED NOT LATER  
24 THAN SEPTEMBER 30 OF THE SAME YEAR, WHILE THE SECOND  
25 SEMI-ANNUAL REPORT COVERING THE PERIOD JULY TO  
26 DECEMBER SHALL BE SUBMITTED NOT LATER THAN MARCH  
27 31 OF THE FOLLOWING YEAR. The report shall include, but  
28 shall not be limited to, the following information:

1 "X X X

2 "Any officer of the government who fails to **SUBMIT THE**  
3 report as stated in [the preceding] **THIS** section shall be subject  
4 to **AN** administrative penalty **OF DISMISSAL FROM THE SERVICE**  
5 **WITH DISQUALIFICATION TO HOLD ANY APPOINTIVE PUBLIC**  
6 **OFFICE FOR FIVE (5) YEARS."**

7 SEC. 6. The Department of Labor and Employment, the Department of  
8 Foreign Affairs, the Philippine Overseas Employment Administration, the  
9 Overseas Workers Welfare Administration and the National Labor Relations  
10 Commission, together with the Senate Committee on Labor and Employment  
11 and the House Committee on Overseas Workers Affairs, after consultations  
12 with the stakeholders, shall, within ninety (90) days after the effectivity of this  
13 Act, formulate the necessary rules and regulations for the effective  
14 implementation of this Act.

15 SEC. 7. If any portion of this Act is declared unconstitutional or  
16 invalid, the same shall not affect the validity of the other provisions not  
17 affected thereby.

18 SEC. 8. All other laws, decrees, orders, issuances, rules and regulations  
19 or parts thereof contrary to or inconsistent with this Act are hereby repealed or  
20 modified accordingly.

21 SEC. 9. This Act shall take effect fifteen (15) days after its publication  
22 in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,

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