



NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'22 NOV -3 P5 :06

RECEIVED BY: _____

SENATE

S.B. No. 1448

Introduced by **SENATOR JOEL VILLANUEVA**

AN ACT
EXPANDING THE USE OF THE LEGAL ASSISTANCE FUND,
AMENDING FOR THE PURPOSE SECTION 26 OF REPUBLIC ACT NO.
8042, AS AMENDED, OTHERWISE KNOWN AS THE "MIGRANT
WORKERS AND OVERSEAS FILIPINOS ACT OF 1995"

EXPLANATORY NOTE

The Philippine Constitution guarantees protection to all Filipino workers, whether foreign or domestic. In line with this, the Congress enacted Republic Act No. 11641, or the Department of Migrant Workers Act (DMW Act), which mandates the creation of the Department of Migrant Workers to provide a holistic approach and more efficient and effective services to the 1.77 million¹ overseas Filipino workers around the globe as of 2020. Among others, the DMW Act also provides for the creation of the AKSYON (Agarang Kalinga at Saklolo Para sa mga OFWs na Nangangailangan) Fund as a source of additional funds for the provision of legal, medical, financial and other forms of assistance to OFWs in distress.


The AKSYON Fund complements the Legal Assistance Fund created under Section 25 of Republic Act No. 8042, as amended by Republic Act No. 10022, or the Migrant Workers and Overseas Filipinos Act of 1995, to be used exclusively for the provision of legal services to migrant workers and overseas Filipinos in distress. According to the Department of Foreign Affairs (DFA), the top foreign Posts which received the highest allocation from the Legal Assistance Fund in 2019 are (i) Riyadh, (ii) Dubai, (iii) Jeddah, (iv) Abu Dhabi, and (v) Kuwait.

¹ 2020 Overseas Filipino Workers (Final Results). PSA. 2022. Available at <https://psa.gov.ph/statistics/survey/labor-and-employment/survey-overseas-filipinos> (date last accessed: October 12, 2022).

This data reflects the global distribution of OFWs, where around 53% are located in the Middle East.² This also reflects the reality that while most Filipinos are deployed in the region, the region remains a hotspot for cases of abuse involving OFWs. For example, according to the Overseas Workers Welfare Administration (OWWA), there are 6,035 cases of maltreatment/mistreatment in the Middle East, while there are only 679 cases in Asia, Europe, and Americas, combined.³

Given the number of abuse cases involving our OFWs, having a more expansive system for the provision of legal assistance is important. However, the use of the Legal Assistance Fund is currently limited. For example, current regulations on the use of the Fund provides that the Fund may be used on appeal, or until the finality of a decision and other services related thereto or, as warranted, for the settlement of civil liability and for negotiations in the settlement of civil damages.⁴ This means that the use of the Fund is only optional and subject to the decision of the DFA, which inevitably causes delay in the provision of immediate assistance to OFWs in distress. Thus, this bill seeks to clarify that the Fund shall be immediately, and at all times, available to all migrant workers and Overseas Filipinos in distress from the time of commencement of the complaint, action or similar proceeding, until promulgation and execution of judgment, and at all levels of appeal. To curtail further delay in the use of the Fund, this bill also clarifies that, if practicable, the Secretary of Foreign Affairs, may delegate the authority to approve an expenditure chargeable to the Fund to the head of Post, subject to existing rules and regulations of the Commission on Audit (COA).

The immediate passage of this bill is earnestly sought.


SENATOR JOEL VILLANUEVA

² <https://psa.gov.ph/statistics/survey/labor-and-employment/survey-overseas-filipinos#:~:text=The%20number%20of%20Overseas%20Filipinos,2.18%20million%20reported%20in%202019.&text=The%20number%20of%20Overseas%20Contract,from%202.11%20million%20in%202019> (date last accessed: October 17, 2022).

³ Saudi Arabia – 26.6%; UAE – 14.6%; Kuwait – 6.4%; Qatar – 5.4%

⁴ WWA Summary of Welfare Cases for the Months of Jan to Dec 2020

⁴ DFA Department Order No. 07-2019.



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

1 **SECTION 1.** Section 26 of Republic Act No. 8042, otherwise known as the
2 "Migrant Workers and Overseas Filipinos Act of 1995," as amended by Republic Act
3 No. 10022, is hereby amended to read as follows:
4

5 **Sec. 26. Uses of the Legal Assistance Fund.** – The Legal Assistance Fund
6 created under the preceding section shall be used exclusively to provide legal
7 services to migrant workers and overseas Filipinos in distress in accordance with
8 the guidelines, criteria and procedures promulgated in accordance with Section
9 24(a) hereof. The expenditures to be charged against the Fund shall include the
10 fees for the foreign lawyers to be hired by the [Legal Assistant for Migrant
11 Workers Affairs] HEAD OF MISSION OF THE PHILIPPINE EMBASSY
12 CONCERNED to represent migrant workers AND OVERSEAS FILIPINOS facing
13 charges or in filing cases against erring or abusive employers AND OTHER
14 OFFENDERS abroad, IN OBTAINING bail bonds to secure the temporary
15 release OF MIGRANT WORKERS AND OVERSEAS FILIPINOS IN DISTRESS,
16 AND OTHER KINDS OF BONDS REQUIRED BY THE FOREIGN COURT,
17 AGENCY OR TRIBUNAL WHERE THE CASE IS PENDING, and other litigation
18 expenses.
19

20 THE LEGAL ASSISTANCE FUND SHALL, AT ALL TIMES, BE
21 IMMEDIATELY AVAILABLE TO ALL MIGRANT WORKERS AND OVERSEAS
22 FILIPINOS IN DISTRESS WHO INITIATE OR WHO IS IMPEADED IN ANY
23 TYPE OF CASE INITIATED IN THE FOREIGN POST, FROM THE TIME OF

1 THE COMMENCEMENT OF THE COMPLAINT, ACTION OR SIMILAR
2 PROCEEDING, AND IN ALL STAGES OF THE PROCEEDING UNTIL
3 PROMULGATION AND EXECUTION OF JUDGMENT AND AT ALL LEVELS OF
4 APPEAL.
5

6 [Provided, That] At the end of every year, the Department of Foreign
7 Affairs shall include in its report to Congress, as provided for under Section 33 of
8 this Act, the status of the Legal Assistance Fund, including the expenditures from
9 the said fund duly audited by the Commission on Audit (COA); *Provided, [further,]*
10 That the hiring of foreign legal counsels, when circumstances warrant urgent
11 action, shall be exempt from the coverage of Republic Act No. 9184 or the
12 Government Procurement Act.
13

14 **SEC. 2. Implementing Rules and Regulations.** – Within sixty (60) days from
15 the approval of this Act, the Department of Foreign Affairs (DFA), in consultation with
16 the Department of Migrant Workers (DMW), Overseas Workers Welfare Administration
17 (OWWA), and other relevant agencies and stakeholders, shall promulgate the
18 implementing rules and regulations for the effective implementation of this Act,
19 including, but not limited to, the specific uses of the fund, and to ensure that the Legal
20 Assistance Fund is immediately and at all times available to all migrant workers and
21 overseas Filipinos in distress in accordance with this Act. If practicable, the
22 implementing rules and regulations may also authorize the Secretary of Foreign Affairs
23 to delegate the authority to approve an expenditure chargeable to the Fund to the head
24 of Post, subject to existing rules and regulations of the Commission on Audit.
25

26 **SEC. 3. Repealing Clause.** – All laws, orders, issuances, rules and regulations
27 or part thereof inconsistent with the provisions of this Act are hereby repealed,
28 amended or modified accordingly.
29

30 **SEC. 4. Effectivity Clause.** – This Act shall take effect fifteen (15) days after
31 its publication in the Official Gazette or in at least two (2) newspapers of general
32 circulation.
33

34 Approved,