



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

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RECEIVED BY: _____

SENATE
S. No. 2389

Introduced by Senator MANUEL "LITO" M. LAPID

AN ACT
EXPANDING THE MEMBERSHIP OF THE SOCIAL SECURITY COMMISSION
TO INCLUDE THE SECRETARY OF MIGRANT WORKERS AS EX-OFFICIO
MEMBER AND TO DESIGNATE A REPRESENTATIVE OF THE OVERSEAS
FILIPINO WORKERS AND SEAFARERS AS ONE OF THE APPOINTIVE
MEMBERS REPRESENTING THE WORKERS GROUP, AMENDING FOR THE
PURPOSE SECTION 3 OF REPUBLIC ACT NO. 11199, OTHERWISE KNOWN
AS THE 'SOCIAL SECURITY ACT OF 2018'

EXPLANATORY NOTE

In 2019, pursuant to Republic Act No. 11199, or the 'Social Security Act of 2018', SSS coverage became compulsory for all sea- and land-based OFWs as defined under Republic Act No. 8042, also known as the 'Migrant Workers Act' of 1995', as amended by Republic Act No. 10022, provided they are not yet over 60 years of age. For the sea-based or maritime sector, the manning agencies are considered in the law as 'agents of their principals' and are deemed employers of sea-based OFWs. In contrast, all land-based OFWs shall be deemed as SSS members under the self-employed category.

Moreover, RA 11199 established a Social Security Commission which shall have, among others, the following significant powers and duties:

- a. To formulate, adopt, amend and/or rescind such rules and regulations as may be necessary to carry out the provisions and purposes of the Act;

- b. To develop and administer a special social security program for workers, with unique economic, social, and geographic situations, as determined by the Commission, which may have different contributions and benefits that are proportionately calculated to be fair, equitable, actuarially sound and viable, and wherein the same legal privileges as the regular social security program enjoys shall be given; and,
- c. To settle any dispute arising under the Act with respect to coverage, benefits, contributions and penalties thereon or any other matter related thereto.

Hence, the direct significance of the Commission's functions to the interest and welfare of OFWs cannot be understated.

The Commission is composed of the Secretary of Finance as *ex officio* Chairperson, the SSS President and Chief Executive Officer as Vice-Chairperson, the Secretary of Labor and Employment as *ex officio* member, and six (6) appointive members, three (3) of whom shall represent the workers' group, with at least one (1) shall be a woman, and three (3) from the employers' group, at least one (1) of whom shall also be a woman; all of whom shall be appointed by the President of the Philippines. The six (6) members representing workers and employers' groups shall be chosen from among the nominees of workers' and employers' organizations respectively, as endorsed by the Governance Commission for GOCCs following the fit and proper rule and standards on integrity, experience, education, training and competence.

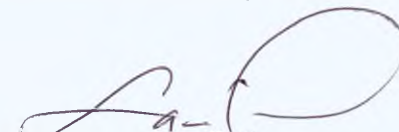
This bill seeks to designate a representative of the overseas Filipino workers and seafarers as one (1) of the three (3) appointive members representing the workers group in the Commission as provided for in the law, in consonance with the policy ensuring the right of Filipino migrant workers, seafarers and all overseas Filipinos to participate in the democratic decision-making processes of the State and in institutions relevant to overseas employment.

Furthermore, this measure proposes the inclusion of the Secretary of Migrant Workers as *ex-officio* member of the Commission together with the Secretary of Labor

and Employment. The rationale being with the establishment of the Department of Migrant Workers (DMW) by virtue of Republic Act No. 11641, the DMW is now the primacy government agency tasked to protect the rights, promote the welfare, and regulate the recruitment, employment, and deployment of OFWs.

Representation is at the core of democratic processes and is the link between the representatives and the sectors or interests represented in ensuring that their true sentiments and preferences are adopted in the decision-making processes.

In view of the foregoing, early passage of this bill is earnestly requested.



MANUEL "LITO" M. LAPID
Senator

1 The SSS shall be directed and controlled by a Social Security
2 Commission, hereinafter referred to as "Commission", composed
3 of the Secretary of Finance as ex officio Chairperson, the SSS
4 President and Chief Executive Officer as Vice-Chairperson who
5 shall automatically act as the Commission Chairperson in the
6 absence of the Finance Secretary, the Secretary of Labor and
7 Employment, as ex officio member, **THE SECRETARY OF**
8 **MIGRANT WORKERS, AS EX-OFFICIO MEMBER**, and six (6)
9 appointive members, three (3) of whom shall represent the
10 workers' group, **ONE OF WHOM SHALL COME FROM THE**
11 **RANKS OF OVERSEAS FILIPINO WORKERS AND**
12 **SEAFARERS, AND** at least one (1) of whom shall be a woman;
13 three (3), the employers' group, at least one (1) of whom shall be
14 a woman; all of whom shall be appointed by the President of the
15 Philippines and shall be of known competence, probity, integrity
16 and recognized expertise in any of the fields of social security,
17 pension fund, insurance, investment, banking and finance,
18 economics, management, law or actuarial science and with at
19 least ten (10) years of managerial or leadership experience. The
20 six (6) members representing workers and employers' groups
21 shall be chosen from among the nominees of workers' and
22 employers' organizations respectively, as endorsed by the
23 Governance Commission for GOCCs following the fit and proper
24 rule and standards on integrity, experience, education, training
25 and competence. The term of office of the regular appointive
26 members of the Commission shall be three (3) years, which can
27 be extended for another term of three (3) years: *Provided*, That
28 the terms of the first six (6) appointive members shall be one (1),
29 two (2), and three (3) years for every two (2) members,
30 respectively, notwithstanding Section 17 of the GCG
31 Law: *Provided, further*, That they shall continue to hold Office
32 until their successors shall have been appointed and duly

1 qualified. All vacancies, prior to the expiration of the term, shall
2 be filled for the unexpired term only.

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4 **Section 2. *Repealing Clause***- All laws, ordinances, rules, regulations, other
5 issuances or parts thereof, which are inconsistent with this Act, are hereby repealed
6 or modified accordingly.

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8 **Section 3. *Effectivity Clause***. - This Act shall take effect fifteen (15) days
9 after its publication in the *Official Gazette* or in a newspaper of general circulation.

10 *Approved,*