

FIFTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

OFFICE OF THE SECRETARY

10 JUL -1 P1 34

SENATE

Senate Bill No. 71

INTRODUCED BY HON. MANNY VILLAR

EXPLANATORY NOTE

The State is duty-bound to maintain and strengthen the mantle of ample support and full protection it accords for the upliftment and advancement of the overseas Filipino workers' welfare. Such duty should also be shared by the manpower and manning agencies whose businesses are inextricably linked with the deployment of Filipino workers overseas and whose profits are mainly anchored on the labor services they provide for their foreign business partners. The installation of safety nets, among other matters, therefore must be understood as not just the sole responsibility of the government but also by those who have a stake in the deployment of workers. It is a collective duty that must be embraced and upheld at all times for the common good.

The amendments introduced in this bill on the "Migrant Workers and Overseas Filipino Act of 1995" are intended to give stronger teeth in the implementation of the law and to increase both the recoverable remunerations of the migrant worker during extraordinary situations such as dislocation/displacement, incapacity and death due to natural disasters and catastrophes and man-made perils.

In view of the foregoing, the approval of this initiative is earnestly sought.


MANNY VILLAR

10 JUL -1 P134

SENATE

RECEIVED BY

Senate Bill No. 71

INTRODUCED BY HON. MANNY VILLAR

AN ACT SETTING HIGHER STANDARDS OF PROTECTION OF MIGRANT WORKERS AND THEIR FAMILIES, AMENDING FOR SUCH PURPOSE REPUBLIC ACT NO. 8042 OTHERWISE ENTITLED AN ACT TO INSTITUTE POLICIES OF OVERSEAS EMPLOYMENT AND ESTABLISH A HIGHER STANDARD OF PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS, THEIR FAMILIES AND OVERSEAS FILIPINOS IN DISTRESS, AND FOR OTHER PURPOSES

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

SECTION 1. A second paragraph is hereby added to Section 4 of Republic Act 8042 which shall now be read as follows:

SECTION 4. Deployment of Migrant Workers.- The State shall deploy overseas Filipino workers only in countries where the rights of Filipino migrant workers are protected. The government recognizes any of the following as guarantee for the protection of overseas Filipino workers:

- (a) It has existing labor and social laws protecting the rights of migrant workers;
- (b) It is a signatory to multilateral conventions, declarations or resolutions relating to the protection of migrant workers;
- (c) The country has concluded a bilateral agreement or arrangement with the Philippine Government on the protection of the rights of overseas Filipino Workers; and
- (d) It is taking positive, concrete measures to protect the rights of migrant workers.

NOTWITHSTANDING THE ABSENCE OF LEGAL PROCESSING BY THE POEA OF OVERSEAS EMPLOYMENT CONTRACTS OF MIGRANT WORKERS FOR COUNTRIES MEETING THE ABOVE MENTIONED CRITERIA AS REQUIRED BY LAW, THE DOLE, DFA, POEA, OWWA MUST STILL

ENSURE THAT ALL THE BENEFITS AND PROTECTION ACCORDED HEREIN SHALL BE MAINTAINED IN FAVOR OF THE WORKER WITHOUT ANY PREJUDICE TO A COMMENSURATE DIMINUTION OF RECOVERABLE COMPENSATION DUE TO THE WORKER IN SITUATIONS WHERE EVIDENT BAD FAITH, FRAUD OR GROSS OMISSION OR NEGLIGENCE CAN BE SOLELY ATTRIBUTED TO HIM AND WITHOUT ANY INTERVENTION OF HIS EMPLOYER OR PLACEMENT AGENCY IN HIS/HER TRAVEL OR PLACEMENT ABROAD AND ON THE FURTHER CONDITION THAT SUCH IS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE. THE FILING OF CRIMINAL CHARGES INCLUDING THE PROMULGATION OF JUDGEMENT ON THE CASE SHALL NOT PREVENT NOR DELAY THE AWARDING OF BENEFITS FOR THE MIGRANT WORKER AND HIS BENEFICIARIES.

SEC. 2. The second, fourth and fifth paragraphs of Section 10 are hereby amended to be read as follows:

SEC. 10. *Money claims.* – x x x

The liability of the principal/employer and the recruitment placement agency on any and all claims under this Rule shall be joint and solidary. This liability shall be incorporated in the contract for overseas employment and shall be a condition precedent for its approval. The performance bond to be filed by the recruitment/placement agency [as provided by law,] WHICH SHALL NOT BE LESS THAN ONE HUNDRED THOUSAND PESOS (P 100,000.00) shall be answerable for all money claims or damages that maybe awarded to the workers. IN CASE THERE IS A DEFICIENCY IN THE AMOUNT OF THIS BOND IN THE SATISFACTION OF ALL CLAIMS DUE TO THE WORKER, A SUMMARY DECISION SHALL BE FORTHWITH ISSUED BY THE LABOR ARBITER WHICH SHALL BE FINAL AND IMMEDIATELY EXECUTORY.

x x x

Any compromise, amicable settlement or voluntary agreement on money claims inclusive of damages under this Rule shall be paid within ONE (1) MONTH [four (4) months] from the approval of the settlement by the appropriate authority.

In case of termination of overseas employment without just, valid or authorized causes as defined by law or contract, the worker shall be entitled to the full reimbursement of his placement fee with interest as twelve percent (12%) per annum, plus his salaries for the unexpired portion of his employment contract

or for three (3) months for every year of the unexpired term, whichever is [less] HIGHER.

SEC. 3. The first paragraph of Section 15 is hereby amended to be read as follows:

SEC. 15. 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 born by or charged to 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. However, in cases where the termination of employment is due solely to the fault of the worker, the principal/employer, or agency shall [not in any manner be responsible for] JOINTLY SHOULDER the COSTS OF repatriation of the former and/or his belongings.

SEC. 4. Section 21 shall be amended to be read as follows:

SEC. 21. Migrant Workers Loan Guarantee Fund.-In order to further prevent unscrupulous illegal recruiters from taking advantage of workers seeking employment abroad, the OWWA in cooperation with government financial institutions, shall institute financing schemes that will expand the grant of pre-departure loan THAT WILL ADEQUATELY ADDRESS THE PRE-DEPARTURE EXPENSES OF THE WORKERS and family assistance loan WHICH SHALL NOT BE LESS THAN FIFTY THOUSAND PESOS (P 50,000.00) PER WORKER'S FAMILY BENEFICIARIES. For this purpose, a Migrant Workers Loan Guarantee Fund is hereby created and the revolving amount of One hundred million pesos (P 100, 000, 000.00) from the OWWA is set aside as a guarantee fund in favor of participating government financial institutions.

SEC. 5. The amount necessary to carry out the provisions of this Act shall be sourced out from the funds generated by the Philippine Amusement and Gaming Corporation and Philippine Charity Sweepstakes Office, and the subsequent funding to be provided for in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 6. All other laws, decrees, orders, issuances, rules and regulations or parts thereof inconsistent with this Act, are hereby repealed or modified accordingly.

SEC. 7. If for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SEC. 8 This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,