

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

AN ACT

AMENDING REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE "MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995," AS AMENDED, FURTHER IMPROVING THE 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:

1 **SECTION 1.** Paragraphs (a), (e), (g) and (h) of Section 2 of Republic Act. No. 8042, as amended, otherwise known
2 as the "Migrant Workers and Overseas Filipinos Act of 1995," is hereby amended to read as follows:
3

4 “(a) In the pursuit of an independent foreign policy and while considering national sovereignty,
5 territorial integrity, national interest and the right to self-determination paramount in its relations with other
6 states, the State shall, at all times, uphold the dignity of its citizens whether in country or overseas, in
7 general, and Filipino migrant workers, in particular[.], **CONTINUOUSLY MONITOR**
8 **INTERNATIONAL CONVENTIONS, ADOPT/BE SIGNATORY TO AND RATIFY THOSE THAT**
9 **GUARANTEE PROTECTION TO OUR MIGRANT WORKERS, AND ENDEAVOR TO ENTER**
10 **INTO BILATERAL AGREEMENTS WITH COUNTRIES HOSTING OFWS.”**
11

12 “(e) Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be
13 denied to any person by reason of poverty. In this regard, it is imperative that an effective mechanism be
14 instituted to ensure that the rights and interest of distressed overseas Filipinos, in general, and Filipino
15 migrant workers, in particular, **WHETHER REGULAR**/documented or **IRREGULAR**/undocumented, are
16 adequately protected and safeguarded.”
17

18 “(g) The State recognizes that the [ultimate protection to all migrant workers] **MOST**
19 **EFFECTIVE TOOL FOR EMPOWERMENT** is the possession of skills **BY MIGRANT WORKERS.**
20 **THE GOVERNMENT SHALL PROVIDE THEM FREE AND ACCESSIBLE SKILLS**
21 **DEVELOPMENT AND ENHANCEMENT PROGRAMS.** Pursuant to this and as soon as practicable, the
22 government shall deploy and/or allow the deployment only of skilled Filipino workers.”
23

24 “(h) **THE STATE RECOGNIZES** [N]non-governmental organizations, **TRADE UNIONS,**
25 **WORKERS ASSOCIATIONS, STAKEHOLDERS AND OTHER SIMILAR ENTITIES** duly
26 recognized as legitimate, are partners of the State in the protection of Filipino migrant workers and in the
27 promotion of their welfare. The State shall cooperate with them in a spirit of trust and mutual respect. **THE**
28 **SIGNIFICANT CONTRIBUTION OF RECRUITMENT AND MANNING AGENCIES SHALL**
29 **FORM PART OF THIS PARTNERSHIP.”**
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31 **SEC. 2.** Section 3, paragraph (a) of Republic Act No. 8042, as amended, is hereby amended to read as follows:
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33 “(a) ["Migrant worker"] **“OVERSEAS FILIPINO WORKER”** refers to a person who is to be
34 engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a
35 [legal resident] **CITIZEN OR ON BOARD A VESSEL NAVIGATING THE FOREIGN SEAS OTHER**
36 **THAN A GOVERNMENT SHIP USED FOR MILITARY OR NON-COMMERCIAL PURPOSES**
37 **OR ON AN INSTALLATION LOCATED OFFSHORE OR ON THE HIGH SEAS;** to be used
38 interchangeably with [overseas Filipino worker] **MIGRANT WORKER.”**
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40 **SEC. 3.** Section 4 of Republic Act No. 8042, as amended, is hereby amended to read as follows:
41

42 “Section 4. *Deployment of Migrant Workers.* – The State shall [deploy] **ALLOW THE DEPLOYMENT OF**
43 overseas Filipino workers only in countries where the rights of Filipino migrant workers are protected. The
44 government recognizes any of the following as a guarantee on the part of the receiving country for the
45 protection [and] **OF** the rights of overseas Filipino workers:
46

- 1 (a) It has existing labor and social laws protecting the rights of [migrant] workers,
2 **INCLUDING MIGRANT WORKERS;**
3
4 (b) It is a signatory to **AND/OR A RATIFIER OF** multilateral conventions, declarations or
5 resolutions relating to the protection of [migrant] workers **INCLUDING MIGRANT**
6 **WORKERS; AND**
7
8 (c) It has concluded a bilateral agreement or arrangement with the government on the protection
9 of the rights of overseas Filipino Workers. [; and]

10
11 [(d) It] **PROVIDED THAT THE RECEIVING COUNTRY** is taking positive, concrete
12 measures to protect the rights of migrant workers **IN FURTHERANCE OF ANY OF THE**
13 **GUARANTEES UNDER SUB-PARAGRAPHS A, B AND C HEREOF.**
14

15 **“IN THE ABSENCE OF A CLEAR SHOWING THAT ANY OF THE AFOREMENTIONED**
16 **GUARANTEES EXISTS IN THE COUNTRY OF DESTINATION OF THE MIGRANT WORKERS,**
17 **NO PERMIT FOR DEPLOYMENT SHALL BE ISSUED BY THE PHILIPPINE OVERSEAS**
18 **EMPLOYMENT ADMINISTRATION (POEA).**
19

20 **“THE MEMBERS OF THE POEA GOVERNING BOARD WHO ACTUALLY VOTED IN**
21 **FAVOR OF AN ORDER ALLOWING THE DEPLOYMENT OF MIGRANT WORKERS**
22 **WITHOUT ANY OF THE GUARANTEES SHALL SUFFER THE PENALTIES OF REMOVAL OR**
23 **DISMISSAL FROM SERVICE WITH DISQUALIFICATION TO HOLD ANY APPOINTIVE**
24 **PUBLIC OFFICE FOR FIVE (5) YEARS. FURTHER, THE OFFICIAL OR EMPLOYEE**
25 **RESPONSIBLE FOR THE ISSUANCE OF THE PERMIT IN VIOLATION OF THIS SECTION**
26 **AND IN DIRECT CONTRAVENTION OF AN ORDER BY THE POEA GOVERNING BOARD**
27 **PROHIBITING DEPLOYMENT SHALL BE METED THE SAME PENALTIES IN THIS**
28 **SECTION.**
29

30 **“FOR THIS PURPOSE, THE DEPARTMENT OF FOREIGN AFFAIRS, THROUGH ITS**
31 **FOREIGN POSTS, SHALL ISSUE A CERTIFICATION TO POEA, SPECIFYING THEREIN THE**
32 **PERTINENT PROVISIONS OF THE RECEIVING COUNTRY’S LABOR/SOCIAL LAW, OR THE**
33 **CONVENTION/DECLARATION/RESOLUTION, OR THE BILATERAL**
34 **AGREEMENT/ARRANGEMENT WHICH PROTECT THE RIGHTS OF MIGRANT WORKERS.**
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36 **“THE STATE SHALL ALSO ALLOW THE DEPLOYMENT OF OVERSEAS FILIPINO**
37 **WORKERS TO VESSELS NAVIGATING THE FOREIGN SEAS OR TO INSTALLATIONS**
38 **LOCATED OFFSHORE OR ON HIGH SEAS WHOSE OWNERS/EMPLOYERS ARE**
39 **COMPLIANT WITH INTERNATIONAL LAWS AND STANDARDS THAT PROTECT THE**
40 **RIGHTS OF MIGRANT WORKERS.”**
41

42 **SEC. 4.** Section 5 of Republic Act No. 8042, as amended, is hereby amended to read as follows:
43

44 *Sec. 5. Termination or Ban on Deployment.* - Notwithstanding the provisions of Section 4 hereof,
45 [the government] in pursuit of the national interest or when public welfare so requires, **THE POEA**
46 **GOVERNING BOARD, AFTER CONSULTATION WITH THE DEPARTMENT OF FOREIGN**
47 **AFFAIRS,** may, at any time, terminate or impose a ban on the deployment of migrant workers.
48

49 **SEC. 5.** Section 6 of Republic Act No. 8042, as amended, is hereby amended to read as follows:
50

51 *“Sec. 6. Definition.* - For purposes of this Act, illegal recruitment shall mean any act of canvassing,
52 enlisting, contracting, transporting, utilizing, hiring, or procuring workers and includes referring, contract
53 services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a
54 non-licensee or non-holder of authority contemplated under Article 13(f) of Presidential Decree No. 442, as
55 amended, otherwise known as the Labor Code of the Philippines: Provided, That any such non-licensee or
56 non-holder who, in any manner, offers or promises for a fee employment abroad to two or more persons
57 shall be deemed so engaged. It shall likewise include the following acts, whether committed by any person,
58 whether a non-licensee, non-holder, licensee or holder of authority:
59

- 60 (a) To charge or accept directly or indirectly any amount greater than that specified in the schedule
61 of allowable fees prescribed by the Secretary of Labor and Employment, or to make a worker
62 pay **OR ACKNOWLEDGE** any amount greater than that actually received by him as a loan or
63 advance;

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- (b) To furnish or publish any false notice or information or document in relation to recruitment or employment;
 - (c) To give any false notice, testimony, information or document or commit any act of misrepresentation for the purpose of securing a license or authority under the Labor Code, **OR FOR THE PURPOSE OF DOCUMENTING HIRED WORKERS WITH THE POEA, WHICH INCLUDE THE ACT OF REPROCESSING WORKERS THROUGH A JOB ORDER THAT PERTAINS TO NON-EXISTENT WORK, WORK DIFFERENT FROM THE ACTUAL OVERSEAS WORK, OR WORK WITH A DIFFERENT EMPLOYER WHETHER REGISTERED OR NOT WITH THE POEA;**
 - (d) To induce or attempt to induce a worker already employed to quit his employment in order to offer him another unless the transfer is designed to liberate a worker from oppressive terms and conditions of employment;
 - (e) To influence or attempt to influence any person or entity not to employ any worker who has not applied for employment through his agency **OR WHO HAS FORMED, JOINED OR SUPPORTED, OR HAS CONTACTED OR IS SUPPORTED BY ANY UNION OR WORKERS' ORGANIZATION;**
 - (f) To engage in the recruitment or placement of workers in jobs harmful to public health or morality or to the dignity of the Republic of the Philippines;
 - (g) To obstruct or attempt to obstruct inspection by the Secretary of Labor and Employment or by his duly authorized representative;
 - (h) To fail to submit reports on the status of employment, placement vacancies, remittance of foreign exchange earnings, separation from jobs, departures and such other matters or information as may be required by the Secretary of Labor and Employment;
 - (i) To substitute or alter to the prejudice of the worker, employment contracts approved and verified by the Department of Labor and Employment from the time of actual signing thereof by the parties up to and including the period of the expiration of the same without the approval of the Department of Labor and Employment;
 - (j) For an officer or agent of a recruitment or placement agency to become an officer or member of the Board of any corporation engaged in travel agency or to be engaged directly or indirectly in the management of a travel agency;
 - (k) To withhold or deny travel documents from applicant workers before departure for monetary or financial considerations, **OR FOR ANY OTHER REASONS**, other than those authorized under the Labor Code and its implementing rules and regulations;
 - (l) Failure to actually deploy **A CONTRACTED WORKER** without valid reason as determined by the Department of Labor and Employment; [and]
 - (m) Failure to reimburse expenses incurred by the worker in connection with his documentation and processing for purposes of deployment, in cases where the deployment does not actually take place without the worker's fault. Illegal recruitment when committed by a syndicate or in large scale shall be considered an offense involving economic sabotage[.]; **AND**
- (N) TO ALLOW A NON-FILIPINO CITIZEN TO HEAD OR MANAGE A LICENSED RECRUITMENT/MANNING AGENCY .**

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Illegal recruitment is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons individually or as a group.

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“IN ADDITION TO THE ACTS ENUMERATED ABOVE, IT SHALL ALSO BE UNLAWFUL FOR ANY PERSON OR ENTITY TO COMMIT THE FOLLOWING PROHIBITED ACTS:

- 1 (A) GRANT A LOAN TO AN OFW WITH INTEREST EXCEEDING EIGHT (8)
2 PERCENT PER ANNUM, WHICH WILL BE USED FOR PAYMENT OF LEGAL AND
3 ALLOWABLE PLACEMENT FEES AND MAKE THE MIGRANT WORKER ISSUE,
4 EITHER PERSONALLY OR THROUGH A GUARANTOR OR ACCOMMODATION
5 PARTY, POSTDATED CHECKS IN RELATION TO THE SAID LOAN;
6
7 (B) IMPOSE A COMPULSORY AND EXCLUSIVE ARRANGEMENT WHEREBY AN
8 OFW IS REQUIRED TO AVAIL OF A LOAN ONLY FROM SPECIFICALLY
9 DESIGNATED INSTITUTIONS, ENTITIES OR PERSONS;
10
11 (C) REFUSE TO CONDONE OR RENEGOTIATE A LOAN INCURRED BY AN OFW
12 AFTER THE LATTER'S EMPLOYMENT CONTRACT HAS BEEN PREMATURELY
13 TERMINATED THROUGH NO FAULT OF HIS/HER OWN;
14
15 (D) IMPOSE A COMPULSORY AND EXCLUSIVE ARRANGEMENT WHEREBY AN
16 OFW IS REQUIRED TO UNDERGO HEALTH EXAMINATIONS ONLY FROM
17 SPECIFICALLY DESIGNATED MEDICAL CLINICS, INSTITUTIONS, ENTITIES
18 OR PERSONS;
19
20 (E) IMPOSE A COMPULSORY AND EXCLUSIVE ARRANGEMENT WHEREBY AN
21 OFW IS REQUIRED TO UNDERGO TRAINING, SEMINAR, INSTRUCTION OR
22 SCHOOLING OF ANY KIND ONLY FROM SPECIFICALLY DESIGNATED
23 INSTITUTIONS, ENTITIES OR PERSONS;
24
25 (F) FOR A SUSPENDED RECRUITMENT/MANNING AGENCY TO ENGAGE IN ANY
26 KIND OF RECRUITMENT ACTIVITY INCLUDING THE PROCESSING OF
27 PENDING WORKERS' APPLICATIONS.
28
29 (G) FOR A RECRUITMENT/MANNING AGENCY OR A FOREIGN
30 PRINCIPAL/EMPLOYER TO PASS-ON TO THE OFW OR DEDUCT FROM
31 HIS/HER SALARY THE PAYMENT OF THE COST OF INSURANCE FEES,
32 PREMIUM OR OTHER INSURANCE RELATED CHARGES, AS PROVIDED UNDER
33 THE COMPULSORY WORKER'S INSURANCE COVERAGE.
34

35 The persons criminally liable for the above offenses are the principals, accomplices and accessories.
36 In case of juridical persons, the officers having **OWNERSHIP**, control, management or direction of their
37 business **AND THE RESPONSIBLE EMPLOYEES/AGENTS THEREOF** shall be liable.
38

39 **"IN THE FILING OF CASES FOR ILLEGAL RECRUITMENT OR ANY OF THE**
40 **PROHIBITED ACTS UNDER THIS SECTION, THE SECRETARY OF LABOR AND**
41 **EMPLOYMENT, THE POEA ADMINISTRATOR OR THEIR DULY AUTHORIZED**
42 **REPRESENTATIVES, OR ANY AGGRIEVED PERSON MAY INITIATE THE**
43 **CORRESPONDING CRIMINAL ACTION WITH THE APPROPRIATE OFFICE. FOR THIS**
44 **PURPOSE, THE AFFIDAVITS AND TESTIMONIES OF OPERATIVES OR PERSONNEL FROM**
45 **THE DOLE, POEA AND OTHER LAW ENFORCEMENT AGENCIES WHO WITNESSED THE**
46 **ACTS CONSTITUTING THE OFFENSE SHALL BE ADMISSIBLE IN EVIDENCE AND, WHEN**
47 **DEEMED SUFFICIENT, SHALL BE ENOUGH TO CONVICT THE ACCUSED.**
48

49 **"IN THE PROSECUTION OF OFFENSES PUNISHABLE UNDER THIS SECTION, THE**
50 **PUBLIC PROSECUTORS OF THE DEPARTMENT OF JUSTICE SHALL COLLABORATE**
51 **WITH THE ANTI-ILLEGAL RECRUITMENT BRANCH OF THE POEA AND, IN CERTAIN**
52 **CASES, ALLOW THE POEA LAWYERS TO TAKE THE LEAD IN THE PROSECUTION. THE**
53 **POEA LAWYERS WHO ACT AS PROSECUTORS IN SUCH CASES SHALL BE ENTITLED TO**
54 **RECEIVE ADDITIONAL ALLOWANCES AS MAY BE DETERMINED BY THE POEA**
55 **ADMINISTRATOR.**
56

57 **"THE FILING OF AN OFFENSE PUNISHABLE UNDER THIS ACT SHALL BE**
58 **WITHOUT PREJUDICE TO THE FILING OF CASES PUNISHABLE UNDER OTHER EXISTING**
59 **LAWS, RULES OR REGULATIONS."**
60

61 **SEC. 6.** Section 7 of Republic Act No. 8042, as amended, is hereby amended to read as follows:
62

63 *"SEC. 7. Penalties. –*

1
2 (a) any person found guilty of illegal recruitment shall suffer the penalty of imprisonment of not
3 less than [six (6)] **TWELVE (12)** years and one (1) day but not more than [twelve (12)] **TWENTY (20)**
4 years and a fine of not less than [two hundred thousand pesos (P200,000)] **ONE MILLION PESOS**
5 **(P1,000,000)** nor more than [five hundred thousand pesos (P500,000)] **TWO MILLION PESOS**
6 **(P2,000,000)**.

7
8 (b) the penalty of life imprisonment and a fine of not less than [Five hundred thousand pesos
9 (P500,000)] **TWO MILLION PESOS (P2,000,000)** nor more than [one million pesos (P1,000,000)] **FIVE**
10 **MILLION PESOS (P5,000,000)** shall be imposed if illegal recruitment constitutes economic sabotage as
11 defined therein.

12
13 *Provided, however,* That the maximum penalty shall be imposed if the person illegally recruited is
14 less than eighteen (18) years of age or committed by a non-licensee or non-holder of authority.

15
16 **(C) ANY PERSON FOUND GUILTY OF ANY OF THE PROHIBITED ACTS SHALL**
17 **SUFFER THE PENALTY OF IMPRISONMENT OF NOT LESS THAN SIX (6) YEARS AND ONE**
18 **(1) DAY BUT NOT MORE THAN TWELVE (12) YEARS AND A FINE OF NOT LESS THAN FIVE**
19 **HUNDRED THOUSAND PESOS (P500,000) NOR MORE THAN ONE MILLION PESOS**
20 **(P1,000,000).**

21
22 **IF THE OFFENDER IS AN ALIEN, HE/SHE SHALL, IN ADDITION TO THE**
23 **PENALTIES HEREIN PRESCRIBED, BE DEPORTED WITHOUT FURTHER PROCEEDINGS.**

24
25 **IN EVERY CASE, CONVICTION SHALL CAUSE AND CARRY THE AUTOMATIC**
26 **REVOCAION OF THE LICENSE OR REGISTRATION OF THE RECRUITMENT/MANNING**
27 **AGENCY, LENDING INSTITUTION, TRAINING SCHOOL OR MEDICAL CLINIC.**

28
29 **SEC. 7.** Section 10 of RA 8042, as amended, is hereby amended to read as follows:
30

31 “Sec. 10. Money Claims. - Notwithstanding any provision of law to the contrary, the Labor Arbiters
32 of the National Labor Relations Commission (NLRC) shall have the original and exclusive jurisdiction to
33 hear and decide, within ninety (90) calendar days after the filing of the complaint, the claims arising out of
34 an employer-employee relationship or by virtue of any law or contract involving Filipino workers for
35 overseas deployment including claims for actual, moral, exemplary and other forms of damages.
36 **CONSISTENT WITH THIS MANDATE, THE NLRC SHALL ENDEAVOR TO UPDATE AND**
37 **KEEP ABREAST WITH THE DEVELOPMENTS IN THE GLOBAL SERVICES INDUSTRY.**

38
39 The liability of the principal/employer and the recruitment/placement agency for any and all claims
40 under this section shall be joint and several. This provision shall be incorporated in the contract for overseas
41 employment and shall be a condition precedent for its approval. The performance bond to be filed by the
42 recruitment/placement agency, as provided by law, shall be answerable for all money claims or damages that
43 may be awarded to the workers. If the recruitment/placement agency is a juridical being, the corporate
44 officers and directors and partners as the case may be, shall themselves be jointly and solidarily liable with
45 the corporation or partnership for the aforesaid claims and damages.

46
47 Such liabilities shall continue during the entire period or duration of the employment contract and
48 shall not be affected by any substitution, amendment or modification made locally or in a foreign country of
49 the said contract.

50
51 Any compromise/amicable settlement or voluntary agreement on money claims inclusive of
52 damages under this section shall be paid within [four (4) months] **THIRTY (30) DAYS** from the approval of
53 the settlement by the appropriate authority.”

54
55 In case of termination of overseas employment without just, valid or authorized cause as defined by
56 law or contract, **OR ANY UNAUTHORIZED DEDUCTIONS FROM THE MIGRANT WORKER’S**
57 **SALARY,** the worker shall be entitled to the full reimbursement of his placement fee **AND THE**
58 **DEDUCTIONS MADE** with interest at twelve percent (12%) per annum, plus his salaries for the unexpired
59 portion of his employment contract or for three (3) months for every year of the unexpired term, whichever
60 is less.

61
62 Noncompliance with the mandatory periods for resolutions of cases provided under this section shall
63 subject the responsible officials to any or all of the following penalties:

- 1
2 (a) The salary of any such official who fails to render his decision or resolution within the
3 prescribed period shall be, or caused to be, withheld until the said official complies therewith;
4
5 (b) Suspension for not more than ninety (90) days; or
6
7 (c) Dismissal from the service with disqualification to hold any appointive public office for five (5)
8 years.
9

10 *Provided, however,* That the penalties herein provided shall be without prejudice to any liability
11 which any such official may have incurred under other existing laws or rules and regulations as a
12 consequence of violating the provisions of this paragraph.
13

14 **SEC. 8.** The first paragraph of Section 13 of Republic Act No. 8042, as amended, is hereby amended to read as
15 follows:
16

17 “SEC. 13. *Free Legal Assistance; Preferential Entitlement Under the Witness Protection Program.*
18 - A mechanism for free legal assistance for victims of illegal recruitment shall be established **IN THE**
19 **ANTI-ILLEGAL RECRUITMENT BRANCH OF THE PHILIPPINE OVERSEAS EMPLOYMENT**
20 **ADMINISTRATION** [within the Department of Labor and Employment] including its regional offices.
21 Such mechanism **SHALL** [must] include coordination and cooperation with the Department of Justice, the
22 Integrated Bar of the Philippines, and other non-governmental organizations and volunteer groups.
23

24 **SEC. 9.** Section 16 of Republic Act No. 8042, as amended, is hereby amended to read as follows:
25

26 “SEC. 16. *Mandatory Repatriation of Underage Migrant Workers.* - Upon discovery or being
27 informed of the presence of migrant workers whose actual ages fall below the minimum age requirement for
28 overseas deployment, the responsible officers in the foreign service shall without delay repatriate said
29 workers and advise the Department of Foreign Affairs through the fastest means of communication available
30 of such discovery and other relevant information. **THE LICENSE OF A RECRUITMENT/MANNING**
31 **AGENCY WHICH RECRUITED OR DEPLOYED AN UNDERAGE MIGRANT WORKER SHALL**
32 **BE AUTOMATICALLY REVOKED AND SHALL BE IMPOSED A FINE OF NOT LESS THAN**
33 **FIVE HUNDRED THOUSAND PESOS (P500,000.00) BUT NOT MORE THAN ONE MILLION**
34 **PESOS (P1,000,000.00). ALL FEES PERTINENT TO THE PROCESSING OF PAPERS OR**
35 **DOCUMENTS IN THE RECRUITMENT OR DEPLOYMENT SHALL BE REFUNDED IN FULL**
36 **BY THE RESPONSIBLE RECRUITMENT/MANNING AGENCY, WITHOUT NEED OF NOTICE,**
37 **TO THE UNDERAGE MIGRANT WORKER OR TO HIS PARENTS OR GUARDIAN. THE**
38 **REFUND SHALL BE INDEPENDENT OF AND IN ADDITION TO THE INDEMNIFICATION**
39 **FOR THE DAMAGES SUSTAINED BY THE UNDERAGE MIGRANT WORKER. THE REFUND**
40 **SHALL BE PAID WITHIN THIRTY (30) DAYS FROM THE DATE OF THE MANDATORY**
41 **REPATRIATION AS PROVIDED FOR IN THIS ACT.”**
42

43 **SEC. 10.** Section 17 of Republic Act No. 8042, as amended, is hereby amended to read as follows:
44

45 “SEC. 17. *Establishment of [Re-placement and Monitoring] NATIONAL REINTEGRATION*
46 *Center FOR OFWs.* - A [re- placement and monitoring] **NATIONAL REINTEGRATION** center **FOR**
47 **OFWs** is hereby created in the Department of Labor and Employment for returning Filipino migrant workers
48 which shall provide a mechanism for their reintegration into the Philippine society, serve as a promotion
49 house for their local employment, and tap their skills and potentials for national development.
50

51 The Department of Labor and Employment, the Overseas Workers Welfare Administration, and the
52 Philippine Overseas Employment Administration shall, within ninety (90) days from the effectivity of this
53 Act, formulate a program that would motivate migrant workers to plan for productive options such as entry
54 into highly technical jobs or undertakings, livelihood and entrepreneurial development, better wage
55 employment, and investment of savings.
56

57 For this purpose, the Technical Education and Skills Development Authority (TESDA), the
58 Technology Livelihood Resource Center (TLRC), and other government agencies involved in training and
59 livelihood development shall give priority to returnees who had been employed as domestic helpers and
60 entertainers.
61

62 **SEC. 11.** Section 18 of Republic Act No. 8042, as amended, is hereby amended to read as follows:
63

1 “SEC. 18. *Functions of the [Re-placement and Monitoring] NATIONAL REINTEGRATION*
2 *Center FOR OFWs.* - The Center shall provide the following services:
3

4 (a) Develop **AND SUPPORT** [livelihood] programs and projects for **LIVELIHOOD,**
5 **ENTREPRENEURSHIP, SAVINGS, INVESTMENTS AND FINANCIAL LITERACY FOR**
6 returning Filipino migrant workers **AND THEIR FAMILIES** in coordination with [the private
7 sector] **RELEVANT STAKEHOLDERS, SERVICE PROVIDERS AND INTERNATIONAL**
8 **ORGANIZATIONS;**
9

10 (b) Coordinate with appropriate [private and government agencies in] **STAKEHOLDERS,**
11 **SERVICE PROVIDERS AND RELEVANT INTERNATIONAL ORGANIZATIONS FOR**
12 the promotion, development[, re-placement] and the full utilization of **OFW RETURNEES AND**
13 their potentials;
14

15 (c) Institute, in cooperation with other government agencies concerned, a computer-based
16 information system on [skilled] **RETURNING** Filipino migrant workers which shall be accessible
17 to all local recruitment agencies and employers, both public and private;
18

19 (d) Provide a periodic study and assessment of job opportunities for returning Filipino migrant
20 workers; [and]
21

22 (e) Develop and implement other appropriate programs to promote the welfare of returning Filipino
23 migrant workers[.];
24

25 **(F) MAINTAIN AN INTERNET-BASED COMMUNICATION SYSTEM FOR ON-LINE**
26 **REGISTRATION AND INTERACTION WITH CLIENTS, AND MAINTAIN AND**
27 **UPGRADE COMPUTER-BASED SERVICE CAPABILITIES OF THE NRCO;**
28

29 **(G) DEVELOP CAPACITY-BUILDING PROGRAMS FOR RETURNING OFWS AND**
30 **THEIR FAMILIES, IMPLEMENTERS, SERVICE PROVIDERS, AND STAKEHOLDERS;**
31 **AND**
32

33 **(H) CONDUCT RESEARCH FOR POLICY RECOMMENDATIONS AND PROGRAM**
34 **DEVELOPMENT.**
35

36 **SEC. 12.** The second paragraph of Section 19 of Republic Act No. 8042, as amended, is hereby amended to read as
37 follows:
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39 The establishment and operations of the Center shall be a joint undertaking of the various
40 government agencies. The Center shall be open for twenty-four (24) hours daily including Saturdays,
41 Sunday and holidays, and shall be staffed by Foreign Service personnel, service attaches or officers who
42 represent other Philippine government agencies abroad and, if available, individual volunteers and *bona fide*
43 non-government organizations from the host countries. In countries categorized as highly problematic by the
44 Department of Foreign Affairs and the Department of Labor and Employment and where there is a
45 concentration of Filipino migrant workers, the government must provide a **SHARI'A OR HUMAN**
46 **RIGHTS** lawyer, **A PSYCHOLOGIST** and a social worker for the Center. **IN ADDITION TO THESE**
47 **PERSONNEL, THE GOVERNMENT MUST ALSO HIRE WITHIN THE RECEIVING COUNTRY,**
48 **IN SUCH NUMBER AS MAY BE NEEDED BY THE POST, PUBLIC RELATION OFFICERS OR**
49 **CASE OFFICERS WHO ARE CONVERSANT, ORALLY AND IN WRITING, WITH THE LOCAL**
50 **LANGUAGE, LAWS, CUSTOMS AND PRACTICES.** The Labor Attache shall coordinate the operation
51 of the Center and shall keep the Chief of Mission informed and updated on all matters affecting it.
52

53 **SEC. 13.** Section 20 of Republic Act No. 8042, as amended, is hereby amended to read as follows:
54

55 “SEC. 20. *Establishment of a Shared Government Information System for Migration.* - An inter-
56 agency committee composed of the Department of Foreign Affairs and its attached agency, the Commission
57 on Filipinos Overseas, the Department of Labor and Employment **AND ITS ATTACHED CONCERNED**
58 **AGENCIES,** [the Philippine Overseas Employment Administration,] the Department of Tourism, the
59 Department of Justice, the Bureau of Immigration, the National Bureau of Investigation, **THE**
60 **DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT, THE NATIONAL**
61 **TELECOMMUNICATIONS COMMISSION, THE COMMISSION ON INFORMATION AND**
62 **COMMUNICATIONS TECHNOLOGY, THE NATIONAL COMPUTER CENTER, THE**
63 **NATIONAL STATISTICAL AND COORDINATION BOARD,** [and] the National Statistics Office

1 **AND OTHER GOVERNMENT AGENCIES CONCERNED WITH OVERSEAS EMPLOYMENT**
2 shall be established to implement a shared government information system for migration. The inter-agency
3 committee shall initially make available to itself the information contained in existing data bases/ files. The
4 second phase shall involve linking of computer facilities in order to allow free-flow data exchanges and
5 sharing among concerned agencies.
6

7 **THE INTER-AGENCY COMMITTEE SHALL BE CO-CHAIRLED BY THE**
8 **DEPARTMENT OF FOREIGN AFFAIRS AND THE DEPARTMENT OF LABOR AND**
9 **EMPLOYMENT. THE NATIONAL COMPUTER CENTER SHALL PROVIDE THE NECESSARY**
10 **TECHNICAL ASSISTANCE AND SHALL SET THE APPROPRIATE INFORMATION AND**
11 **COMMUNICATIONS TECHNOLOGY STANDARDS TO FACILITATE THE SHARING OF**
12 **INFORMATION AMONG THE MEMBER AGENCIES.**
13

14 **THE INTER-AGENCY COMMITTEE SHALL MEET REGULARLY TO ENSURE THE**
15 **IMMEDIATE AND FULL IMPLEMENTATION OF THIS SECTION AND SHALL EXPLORE**
16 **THE POSSIBILITY OF SETTING-UP A CENTRAL STORAGE FACILITY FOR THE DATA ON**
17 **MIGRATION. THE PROGRESS OF THE IMPLEMENTATION OF THIS SECTION SHALL BE**
18 **INCLUDED IN THE REPORT TO CONGRESS OF THE DEPARTMENT OF FOREIGN AFFAIRS**
19 **AND THE DEPARTMENT OF LABOR AND EMPLOYMENT UNDER SECTION 33.”**
20

21 The inter-agency committee shall convene to identify existing data bases which shall be
22 declassified and shared among member agencies. These shared data bases shall initially include, but not be
23 limited to, the following information:
24

- 25 (a) Masterlists of Filipino migrant workers/overseas Filipinos classified according to
26 occupation/job category, civil status, by country/state of destination including visa
27 classification;
- 28 (b) Inventory of pending legal cases involving Filipino migrant workers and other Filipino
29 nationals, including those serving prison terms;
- 30 (c) Masterlist of departing/arriving Filipinos;
- 31 (d) Statistical profile on Filipino migrant workers/overseas Filipinos/tourists;
- 32 (e) Blacklisted foreigners/undesirable aliens;
- 33 (f) Basic data on legal systems, immigration policies, marriage laws and civil and criminal codes
34 in receiving countries particularly those with large numbers of Filipinos;
- 35 (g) List of labor and other human rights instruments where receiving countries are signatories;
- 36 (h) A tracking system of past and present gender disaggregated cases involving male and female
37 migrant workers, **INCLUDING MINORS**; and
- 38 (i) Listing of overseas posts which may render assistance to overseas Filipinos, in general, and
39 migrant workers, in particular.
40
41
42
43
44
45
46
47
48

49 **SEC. 14.** Sub-paragraph (b.1) of Paragraph (b) of Section 23 of Republic Act No. 8042, as amended, is hereby
50 amended to read as follows:
51

52 “(b.1) Philippine Overseas Employment Administration - The Administration shall regulate private
53 sector participation in the recruitment and overseas placement of workers by setting up a licensing and
54 registration system. It shall also formulate and implement, in coordination with appropriate entities
55 concerned, when necessary, a system for promoting and monitoring the overseas employment of Filipino
56 workers taking into consideration their welfare and the domestic manpower requirements. **IT SHALL BE**
57 **RESPONSIBLE FOR THE REGULATION AND MANAGEMENT OF OVERSEAS**
58 **EMPLOYMENT FROM THE PRE-EMPLOYMENT STAGE, SECURING THE BEST POSSIBLE**
59 **EMPLOYMENT TERMS AND CONDITIONS FOR OVERSEAS FILIPINO WORKERS, AND**
60 **TAKING INTO CONSIDERATION THE NEEDS OF VULNERABLE SECTORS AND THE**
61 **PECULIARITIES OF SEA-BASED AND LAND-BASED WORKERS. IN APPROPRIATE CASES,**
62 **THE ADMINISTRATION MAY ALLOW THE LIFTING OF SUSPENSION OF ERRING**

1 **RECRUITMENT/MANNING AGENCIES UPON THE PAYMENT OF FINE OF FIFTY**
2 **THOUSAND PESOS (P50,000.00) FOR EVERY MONTH OF SUSPENSION.**
3

4 In addition to its powers and functions, the administration shall inform migrant workers not only of
5 their rights as workers but also of their rights as human beings, instruct and guide the workers how to assert
6 their rights and provide the available mechanism to redress violation of their rights. **IT SHALL ALSO BE**
7 **RESPONSIBLE FOR THE IMPLEMENTATION, IN PARTNERSHIP WITH OTHER LAW-**
8 **ENFORCEMENT AGENCIES, OF AN INTENSIFIED PROGRAM AGAINST ILLEGAL**
9 **RECRUITMENT ACTIVITIES. FOR THIS PURPOSE, THE POEA SHALL PROVIDE**
10 **COMPREHENSIVE PRE-EMPLOYMENT ORIENTATION SEMINARS (PEOS) THAT WILL**
11 **DISCUSS TOPICS SUCH AS PREVENTION OF ILLEGAL RECRUITMENT AND GENDER-**
12 **SENSITIVITY.**
13

14 **THE ADMINISTRATION SHALL NOT ENGAGE IN THE RECRUITMENT AND**
15 **PLACEMENT OF OVERSEAS WORKERS EXCEPT ON A GOVERNMENT-TO-GOVERNMENT**
16 **ARRANGEMENT ONLY.**
17

18 In the recruitment and placement of workers to service the requirements for trained and competent
19 Filipino workers of foreign governments and their instrumentalies, and such other employers as public
20 interests may require, the administration shall deploy only to countries where the Philippines has concluded
21 bilateral labor agreements or arrangements: *Provided*, That such countries shall guarantee to protect the
22 rights of Filipino migrant workers; and: *Provided, further*, That such countries shall observe and/or comply
23 with the international laws and standards for migrant workers.
24

25 **SEC. 15.** Sub-paragraph (b.2) of Paragraph (b) of Section 23 of Republic Act No. 8042, as amended, is hereby
26 amended to read as follows:
27

28 “(b.2) *Overseas Workers Welfare Administration.* – The Welfare officer or in his absence, the
29 coordinating officer shall provide the Filipino migrant worker and his family all the assistance they may
30 need in the enforcement of contractual obligations by agencies or entities and/or by their principals. In the
31 performance of this function, he shall make representation and may call on the agencies or entities concerned
32 to conferences or conciliation meetings for the purpose of settling the complaints or problems brought to his
33 attention. **OWWA SHALL LIKEWISE FORMULATE AND IMPLEMENT WELFARE**
34 **PROGRAMS FOR OVERSEAS FILIPINO WORKERS AND THEIR FAMILIES WHILE THEY**
35 **ARE ABROAD AND UPON THEIR RETURN. IT SHALL ALSO ENSURE THE AWARENESS BY**
36 **THE OFWS AND THEIR FAMILIES OF THESE PROGRAMS AND OTHER RELATED**
37 **GOVERNMENTAL PROGRAMS.**
38

39 **IN THE REPATRIATION OF WORKERS TO BE UNDERTAKEN BY OWWA, THE**
40 **LATTER SHALL BE AUTHORIZED TO PAY REPATRIATION-RELATED EXPENSES, SUCH**
41 **AS FINES OR PENALTIES, SUBJECT TO SUCH GUIDELINES AS THE OWWA BOARD OF**
42 **TRUSTEES MAY PRESCRIBE.**
43

44 **SEC. 16.** Under Section 23 of Republic Act No. 8042, as amended, add new paragraphs (c) and (d) with their
45 corresponding sub-paragraphs to read as follows:
46

47 “(C) *DEPARTMENT OF HEALTH.* – **THE DEPARTMENT OF HEALTH (DOH) SHALL**
48 **REGULATE THE ACTIVITIES AND OPERATIONS OF ALL CLINICS WHICH CONDUCT**
49 **MEDICAL, PHYSICAL, OPTICAL, DENTAL, PSYCHOLOGICAL AND OTHER SIMILAR**
50 **EXAMINATIONS, HEREINAFTER REFERRED TO AS HEALTH EXAMINATIONS, ON**
51 **FILIPINO MIGRANT WORKERS AS REQUIREMENT FOR THEIR OVERSEAS**
52 **EMPLOYMENT. PURSUANT TO THIS, THE DOH SHALL ENSURE THAT:**
53

54 **(C.1) THE FEES FOR THE HEALTH EXAMINATIONS ARE REGULATED**
55 **REGULARLY MONITORED AND DULY PUBLISHED TO ENSURE THAT THE SAID**
56 **FEES ARE REASONABLE AND NOT EXORBITANT;**
57

58 **(C.2) THE FILIPINO MIGRANT WORKER SHALL ONLY BE REQUIRED TO**
59 **UNDERGO HEALTH EXAMINATIONS WHEN THERE IS REASONABLE CERTAINTY**
60 **THAT HE/SHE WILL BE HIRED AND DEPLOYED TO THE JOBSITE AND ONLY**
61 **THOSE HEALTH EXAMINATIONS WHICH ARE ABSOLUTELY NECESSARY FOR**
62 **THE TYPE OF JOB APPLIED FOR OR THOSE SPECIFICALLY REQUIRED BY THE**
63 **FOREIGN EMPLOYER SHALL BE CONDUCTED;**

1
2 (C.3) NO GROUP OR GROUPS OF MEDICAL CLINICS SHALL HAVE A
3 MONOPOLY OF EXCLUSIVELY CONDUCTING HEALTH EXAMINATIONS ON
4 MIGRANT WORKERS FOR CERTAIN RECEIVING COUNTRIES;
5

6 (C.4) EVERY FILIPINO MIGRANT WORKER SHALL HAVE THE FREEDOM
7 TO CHOOSE ANY OF THE DOH-ACCREDITED OR DOH-OPERATED CLINICS THAT
8 WILL CONDUCT HIS/HER HEALTH EXAMINATIONS AND THAT HIS/HER RIGHTS
9 AS A PATIENT ARE RESPECTED. THE DECKING PRACTICE, WHICH REQUIRES AN
10 OFW TO GO FIRST TO AN OFFICE FOR REGISTRATION AND THEN FARMED OUT
11 TO A MEDICAL CLINIC LOCATED ELSEWHERE, SHALL NOT BE ALLOWED;
12

13 (C.5) WITHIN A PERIOD OF THREE (3) YEARS FROM THE EFFECTIVITY
14 OF THIS ACT, ALL DOH REGIONAL AND/OR PROVINCIAL HOSPITALS SHALL
15 ESTABLISH AND OPERATE CLINICS THAT CAN SERVE THE HEALTH
16 EXAMINATION REQUIREMENTS OF FILIPINO MIGRANT WORKERS TO PROVIDE
17 THEM EASY ACCESS TO SUCH CLINICS ALL OVER THE COUNTRY AND LESSEN
18 THEIR TRANSPORTATION AND LODGING EXPENSES;
19

20 (C.6) ALL DOH-ACCREDITED MEDICAL CLINICS, INCLUDING THE DOH-
21 OPERATED CLINICS, CONDUCTING HEALTH EXAMINATIONS FOR FILIPINO
22 MIGRANT WORKERS SHALL OBSERVE THE SAME STANDARD OPERATING
23 PROCEDURES AND SHALL COMPLY WITH INTERNATIONALLY-ACCEPTED
24 STANDARDS IN THEIR OPERATIONS TO CONFORM WITH THE REQUIREMENTS
25 OF RECEIVING COUNTRIES;
26

27 “ANY FOREIGN EMPLOYER WHO DOES NOT HONOR THE RESULTS OF VALID
28 HEALTH EXAMINATIONS CONDUCTED BY A DOH-ACCREDITED OR DOH-OPERATED
29 CLINIC SHALL BE TEMPORARILY DISQUALIFIED FROM PARTICIPATING IN THE
30 OVERSEAS EMPLOYMENT PROGRAM, PURSUANT TO POEA RULES AND REGULATIONS;
31

32 “IN CASE AN OFW IS FOUND TO BE NOT MEDICALLY FIT UPON HIS/HER
33 IMMEDIATE ARRIVAL IN THE COUNTRY OF DESTINATION, THE MEDICAL CLINIC THAT
34 CONDUCTED THE HEALTH EXAMINATION/S OF SUCH OFW SHALL PAY FOR HIS/HER
35 REPATRIATION BACK TO THE PHILIPPINES AND THE COST OF DEPLOYMENT OF SUCH
36 WORKER.
37

38 “ANY DOH-ACCREDITED CLINIC WHICH VIOLATES ANY PROVISION OF THIS
39 SECTION SHALL, IN ADDITION TO ANY OTHER LIABILITY IT MAY HAVE INCURRED,
40 SUFFER THE PENALTY OF REVOCATION OF ITS DOH ACCREDITATION;
41

42 “ANY GOVERNMENT OFFICIAL OR EMPLOYEE WHO VIOLATES ANY PROVISION
43 OF THIS SUB-SECTION SHALL BE REMOVED OR DISMISSED FROM SERVICE WITH
44 DISQUALIFICATION TO HOLD ANY APPOINTIVE PUBLIC OFFICE FOR FIVE (5) YEARS.
45 SUCH PENALTY IS WITHOUT PREJUDICE TO ANY OTHER LIABILITY WHICH HE/SHE
46 MAY HAVE INCURRED UNDER EXISTING LAWS, RULES OR REGULATIONS.
47

48 “(D) *LOCAL GOVERNMENT UNITS.* – IN THE FIGHT AGAINST ILLEGAL
49 RECRUITMENT, THE LOCAL GOVERNMENT UNITS (LGUs), IN PARTNERSHIP WITH THE
50 PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION, OTHER CONCERNED
51 GOVERNMENT AGENCIES, AND NON-GOVERNMENT ORGANIZATIONS ADVOCATING
52 THE RIGHTS AND WELFARE OF OFWS, SHALL TAKE A PROACTIVE STANCE BY BEING
53 PRIMARILY RESPONSIBLE FOR THE DISSEMINATION OF INFORMATION TO THEIR
54 CONSTITUENTS ON ALL ASPECTS OF OVERSEAS EMPLOYMENT. TO CARRY OUT THIS
55 TASK, THE FOLLOWING SHALL BE UNDERTAKEN BY THE LGUs:
56

57 (D.1) PROVIDE A VENUE FOR THE PHILIPPINE OVERSEAS EMPLOYMENT
58 ADMINISTRATION, OTHER CONCERNED GOVERNMENT AGENCIES AND NON-
59 GOVERNMENT ORGANIZATIONS TO CONDUCT PRE-EMPLOYMENT
60 ORIENTATION SEMINARS (PEOS) TO THEIR CONSTITUENTS ON A REGULAR
61 BASIS;
62

1 (D.2) ESTABLISH OFW HELP DESK OR KIOSK IN THEIR LOCALITIES WITH
2 THE OBJECTIVE OF PROVIDING CURRENT INFORMATION TO THEIR
3 CONSTITUENTS ON ALL THE PROCESSES AND ASPECTS OF OVERSEAS
4 EMPLOYMENT. SUCH DESK OR KIOSK SHALL, AS FAR AS PRACTICABLE, BE
5 FULLY COMPUTERIZED AND SHALL BE LINKED TO THE DATA-BASE OF ALL
6 CONCERNED GOVERNMENT AGENCIES, PARTICULARLY THE PHILIPPINE
7 OVERSEAS EMPLOYMENT ADMINISTRATION FOR ITS UPDATED LISTS OF
8 OVERSEAS JOB ORDERS AND LICENSED RECRUITMENT AGENCIES IN GOOD
9 STANDING.”

10
11 **SEC. 17.** Sub-paragraph (c) of Section 24 of Republic Act No. 8042, as amended, is hereby amended to read as
12 follows:

13
14 “(c) To tap the assistance of reputable law firms, **[and]** the Integrated Bar of the Philippines, **[and]**
15 other bar associations, **AND OTHER GOVERNMENT LEGAL EXPERTS ON OFW LAWS** to
16 complement the government's efforts to provide legal assistance to our migrant workers;”

17
18 **SEC. 18.** Section 25 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

19
20 “Sec. 25. *Legal Assistance Fund.* - There is hereby established a legal assistance fund for migrant
21 workers, hereinafter referred to as the Legal Assistance Fund, in the amount of One hundred million pesos
22 (P100,000,000) to be constituted from the following sources:

23
24 “Fifty million pesos (P50,000,000) from the Contingency Fund of the President;

25
26 “Thirty million pesos (P30,000,000) from the Presidential Social Fund; **[and]**

27
28 “Twenty million pesos (P20,000,000) from the Welfare Fund for Overseas Workers
29 established under Letter of Instruction No. 537, as amended by Presidential Decree Nos. 1694 and
30 1809[.]; **AND**

31
32 “**AN AMOUNT APPROPRIATED IN THE ANNUAL GENERAL**
33 **APPROPRIATIONS ACT (GAA) WHICH SHALL NOT BE LESS THAN THIRTY**
34 **MILLION PESOS (P30,000,000) PER YEAR; PROVIDED, THAT THE BALANCE OF THE**
35 **LEGAL ASSISTANCE FUND (LAF) INCLUDING THE AMOUNT APPROPRIATED FOR**
36 **THE YEAR SHALL NOT BE LESS THAN ONE HUNDRED MILLION PESOS**
37 **(P100,000,000.00); PROVIDED, FURTHER, THAT THE FUND SHALL BE TREATED AS**
38 **A SPECIAL FUND IN THE NATIONAL TREASURY AND ITS BALANCE, INCLUDING**
39 **THE AMOUNT APPROPRIATED IN THE GAA, WHICH SHALL FORM PART OF THE**
40 **FUND, SHALL NOT REVERT TO THE GENERAL FUND.**

41
42 “Any balances of existing funds which have been set aside by the government specifically as legal
43 assistance or defense fund to help migrant workers shall, upon effectivity of this Act, be turned over to, and
44 form part of, the Fund created under this Act.”

45
46 **SEC. 19.** Section 26 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

47
48 “**SEC. 26. *Uses of the Legal Assistance Fund.*** - The Legal Assistance Fund created under the
49 preceding section shall be used exclusively to provide legal services to migrant workers and overseas
50 Filipinos in distress in accordance with the guidelines, criteria and procedures promulgated in accordance
51 with Section 24(a) hereof. The expenditures to be charged against the Fund shall include the fees for the
52 foreign lawyers to be hired by the Legal Assistant for Migrant Workers Affairs to represent migrant workers
53 facing charges **OR IN FILING CASES AGAINST ERRING OR ABUSIVE EMPLOYERS** abroad, bail
54 bonds to secure the temporary release of workers under detention, court fees and charges and other litigation
55 expenses[.]; **PROVIDED THAT AT THE END OF EVERY YEAR, THE DEPARTMENT OF**
56 **FOREIGN AFFAIRS SHALL INCLUDE IN ITS REPORT TO CONGRESS, AS PROVIDED FOR**
57 **UNDER SECTION 33 OF THIS ACT, THE STATUS OF THE LEGAL ASSISTANCE FUND,**
58 **INCLUDING THE EXPENDITURES FROM THE SAID FUND DULY AUDITED BY THE**
59 **COMMISSION ON AUDIT (COA). PROVIDED, FURTHER, THAT THE HIRING OF FOREIGN**
60 **LEGAL COUNSELS, WHEN CIRCUMSTANCES WARRANT URGENT ACTION, SHALL BE**
61 **EXEMPT FROM THE COVERAGE OF REPUBLIC ACT NO. 9184 OR THE GOVERNMENT**
62 **PROCUREMENT ACT.”**

1 **SEC. 20.** Section 32 of Republic Act No. 8042, as amended, is hereby amended to read as follows:
2

3 “SEC. 32. *POEA, [and] OWWA AND OTHER Boards; Additional Memberships.* -
4 Notwithstanding any provision of law to the contrary, the respective Boards of the POEA and the OWWA
5 shall, in addition to their present composition, have three (3) members each who shall come from the
6 women, sea-based and land-based sectors respectively, to be [appointed by the President in the same
7 manner as the other members] **SELECTED AND NOMINATED OPENLY BY THE GENERAL**
8 **MEMBERSHIP OF THE SECTOR BEING REPRESENTED.**
9

10 “**THE SELECTION AND NOMINATION OF THE ADDITIONAL MEMBERS FROM THE**
11 **WOMEN, SEA-BASED AND LAND-BASED SECTORS SHALL BE GOVERNED BY THE**
12 **FOLLOWING GUIDELINES:**
13

14 (A) **THE POEA AND OWWA SHALL LAUNCH A MASSIVE INFORMATION**
15 **CAMPAIGN ON THE SELECTION OF NOMINEES AND PROVIDE FOR A**
16 **SYSTEM OF CONSULTATIVE SESSIONS FOR THE CERTIFIED LEADERS OR**
17 **REPRESENTATIVES OF THE CONCERNED SECTORS, AT LEAST THREE (3)**
18 **TIMES, WITHIN NINETY DAYS (90) BEFORE THE BOARDS SHALL BE**
19 **CONVENED, FOR PURPOSES OF SELECTION. THE PROCESS SHALL BE OPEN,**
20 **DEMOCRATIC AND TRANSPARENT.**
21

22 (B) **ONLY NON-GOVERNMENT ORGANIZATIONS THAT PROTECT AND**
23 **PROMOTE THE RIGHTS AND WELFARE OF OVERSEAS FILIPINO WORKERS,**
24 **DULY REGISTERED WITH THE APPROPRIATE PHILIPPINE GOVERNMENT**
25 **AGENCY AND IN GOOD STANDING AS SUCH, AND IN EXISTENCE FOR AT**
26 **LEAST THREE (3) YEARS PRIOR TO THE NOMINATION SHALL BE**
27 **QUALIFIED TO NOMINATE A REPRESENTATIVE FOR EACH SECTOR TO THE**
28 **BOARD;**
29

30 (C) **THE NOMINEE MUST BE AT LEAST 25 YEARS OF AGE, ABLE TO READ AND**
31 **WRITE, AND A MIGRANT WORKER AT THE TIME OF HIS/HER NOMINATION**
32 **OR WAS A MIGRANT WORKER WITH AT LEAST THREE (3) YEARS**
33 **EXPERIENCE AS SUCH;**
34

35 (D) **A FINAL LIST OF ALL THE NOMINEES SELECTED BY THE OWWA/POEA**
36 **GOVERNING BOARDS, WHICH SHALL CONSIST OF THREE (3) NAMES FOR**
37 **EACH SECTOR TO BE REPRESENTED, SHALL BE SUBMITTED TO THE**
38 **PRESIDENT AND PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION;**
39

40 **WITHIN THIRTY (30) DAYS FROM THE SUBMISSION OF THE LIST, THE**
41 **PRESIDENT SHALL SELECT AND APPOINT FROM THE LIST THE**
42 **REPRESENTATIVES TO THE POEA/OWWA GOVERNING BOARDS.**
43

44 “**THE ADDITIONAL MEMBERS SHALL HAVE A TERM OF THREE (3) YEARS**
45 **AND SHALL BE ELIGIBLE FOR REAPPOINTMENT FOR ANOTHER THREE (3)**
46 **YEARS. IN CASE OF VACANCY, THE PRESIDENT SHALL, IN ACCORDANCE WITH**
47 **THE PROVISIONS OF THIS ACT, APPOINT A REPLACEMENT WHO SHALL SERVE**
48 **THE UNEXPIRED TERM OF HIS/HER PREDECESSOR.**
49

50 “**ANY EXECUTIVE ISSUANCES OR ORDERS ISSUED THAT CONTRAVENE THE**
51 **PROVISIONS OF THIS SECTION SHALL HAVE NO FORCE AND EFFECT.**
52

53 “**ALL OTHER GOVERNMENT AGENCIES AND GOVERNMENT-OWNED OR**
54 **CONTROLLED CORPORATIONS WHICH REQUIRE AT LEAST ONE (1)**
55 **REPRESENTATIVE FROM THE OVERSEAS WORKERS SECTOR TO THEIR**
56 **RESPECTIVE BOARDS SHALL FOLLOW ALL THE APPLICABLE PROVISIONS OF**
57 **THIS SECTION.”**
58

59 **SEC. 21.** The first and last paragraph of Section 33 of R.A. 8042, as amended, is hereby amended to read as follows:
60

61 “SEC. 33. *Report to Congress.* – In order to inform the Philippine Congress on the implementation
62 of the policy enunciated in Section 4 hereof, the Department of Foreign Affairs and the Department of Labor
63 and Employment shall submit **SEPARATELY** to the said body a semi-annual report of Philippine foreign

1 posts located in countries hosting Filipino migrant workers. **THE MID-YEAR REPORT COVERING**
2 **THE PERIOD JANUARY TO JUNE SHALL BE SUBMITTED NOT LATER THAN OCTOBER 31**
3 **OF THE SAME YEAR WHILE THE YEAR-END REPORT COVERING THE PERIOD JULY TO**
4 **DECEMBER SHALL BE SUBMITTED NOT LATER THAN MAY 31 OF THE FOLLOWING**
5 **YEAR.** The report shall include, but shall not be limited to, the following information:
6

7 x x x
8

9 “Any officer of the government who fails to **SUBMIT THE** report as stated in [the preceding]
10 **THIS** section shall be subject to **AN** administrative penalty **OF DISMISSAL FROM THE SERVICE**
11 **WITH DISQUALIFICATION TO HOLD ANY APPOINTIVE PUBLIC OFFICE FOR FIVE (5)**
12 **YEARS.”**
13

14 **SEC. 22.** Section 35 of Republic Act No. 8042, as amended, is hereby amended to read as follows:
15

16 “**SEC. 35. Exemption from Travel Tax, DOCUMENTARY STAMP TAX and Airport Fee.** – All
17 laws to the contrary notwithstanding, the migrant worker shall be exempt from the payment of travel tax and
18 airport fee upon proper showing of proof of entitlement by the POEA.
19

20 **THE REMITTANCES OF ALL OVERSEAS FILIPINO WORKERS, UPON SHOWING OF**
21 **THE SAME PROOF OF ENTITLEMENT BY THE OFW’S BENEFICIARY OR RECEPIENT,**
22 **SHALL BE EXEMPT FROM THE PAYMENT OF DOCUMENTARY STAMP TAX.**
23

24 **SEC. 23.** A new Section 37-A of Republic Act No. 8042, as amended, is hereby added to read as follows:
25

26 “**SEC. 37-A. COMPULSORY INSURANCE COVERAGE FOR AGENCY-HIRED WORKERS.**
27 **– IN ADDITION TO THE PERFORMANCE BOND TO BE FILED BY THE**
28 **RECRUITMENT/MANNING AGENCY UNDER SECTION 10, EACH MIGRANT WORKER**
29 **DEPLOYED BY A RECRUITMENT/MANNING AGENCY SHALL BE COVERED BY A**
30 **COMPULSORY INSURANCE POLICY WHICH SHALL BE SECURED AT NO COST TO THE**
31 **SAID WORKER. SUCH INSURANCE POLICY SHALL BE EFFECTIVE FOR THE DURATION**
32 **OF THE MIGRANT WORKER’S EMPLOYMENT CONTRACT AND SHALL COVER, AT THE**
33 **MINIMUM:**
34

35 (A) **ACCIDENTAL DEATH, WITH AT LEAST FIFTEEN THOUSAND UNITED**
36 **STATES DOLLARS (US\$ 15,000.00) SURVIVOR’S BENEFIT PAYABLE TO THE**
37 **MIGRANT WORKER’S BENEFICIARIES;**
38

39 (B) **NATURAL DEATH, WITH AT LEAST TEN THOUSAND UNITED STATES**
40 **DOLLARS (US\$ 10,000.00) SURVIVOR’S BENEFIT PAYABLE TO THE MIGRANT**
41 **WORKER’S BENEFICIARIES;**
42

43 (C) **PERMANENT TOTAL DISABLEMENT, WITH AT LEAST SEVEN THOUSAND**
44 **FIVE HUNDRED UNITED STATES DOLLARS (US\$ 7,500) DISABILITY BENEFIT**
45 **PAYABLE TO THE MIGRANT WORKER. THE FOLLOWING DISABILITIES**
46 **SHALL BE DEEMED PERMANENT: TOTAL, COMPLETE LOSS OF SIGHT OF**
47 **BOTH EYES; LOSS OF TWO LIMBS AT OR ABOVE THE ANKLES OR WRISTS;**
48 **PERMANENT COMPLETE PARALYSIS OF TWO LIMBS; BRAIN INJURY**
49 **RESULTING TO INCURABLE IMBECILITY OR INSANITY;**
50

51 (D) **REPATRIATION COST OF THE WORKER WHEN HIS/HER EMPLOYMENT IS**
52 **TERMINATED WITHOUT ANY VALID CAUSE, OR, IN CASE OF DEATH, THE**
53 **WORKER’S REMAINS INCLUDING THE TRANSPORT OF HIS/HER PERSONAL**
54 **BELONGINGS, WITH AT LEAST FIVE THOUSAND UNITED STATES DOLLARS**
55 **(US\$ 5,000) COVERAGE;**
56

57 (E) **SUBSISTENCE ALLOWANCE BENEFIT, WITH AT LEAST ONE HUNDRED**
58 **UNITED STATES DOLLARS (US\$100) PER MONTH FOR A MAXIMUM OF SIX**
59 **(6) MONTHS FOR A MIGRANT WORKER WHO IS INVOLVED IN A CASE OR**
60 **LITIGATION FOR THE PROTECTION OF HIS/HER RIGHTS IN THE**
61 **RECEIVING COUNTRY.**
62

1 (F) MONEY CLAIMS ARISING FROM EMPLOYER'S LIABILITY WHICH MAY BE
2 AWARDED OR GIVEN TO THE WORKER IN A JUDGEMENT OR SETTLEMENT
3 OF HIS/HER CASE IN THE NLRC. THE INSURANCE COVERAGE FOR MONEY
4 CLAIMS SHALL BE EQUIVALENT TO AT LEAST THREE (3) MONTHS FOR
5 EVERY YEAR OF THE MIGRANT WORKER'S EMPLOYMENT CONTRACT;
6

7 (G) COMPASSIONATE VISIT, THE INSURANCE COVERAGE SHALL PROVIDE
8 TRANSPORTATION FOR AT LEAST ONE (1) FAMILY MEMBER OR REQUESTED
9 INDIVIDUAL BY THE QUALIFIED MIGRANT WORKERS TO THE MAJOR AIRPORT
10 CLOSEST TO THE PLACE OF HOSPITALIZATION. FOR THIS PURPOSE, THE
11 MIGRANT WORKER MUST BE MEDICALLY EVALUATED AND REQUIRES
12 HOSPITAL CONFINEMENT FOR SEVEN (7) CONSECUTIVE DAYS OR MORE. IT IS
13 HOWEVER THE RESPONSIBILITY OF THE FAMILY MEMBER OR REQUESTED
14 INDIVIDUAL TO MEET ALL VISA AND TRAVEL DOCUMENT REQUIREMENTS.
15

16 (H) MEDICAL EVACUATION. WHEN AN ADEQUATE MEDICAL FACILITY IS NOT
17 AVAILABLE PROXIMATE TO THE MIGRANT WORKER, AS DETERMINED BY THE
18 INSURANCE COMPANY'S PHYSICIAN AND A CONSULTING PHYSICIAN,
19 EVACUATION UNDER APPROPRIATE MEDICAL SUPERVISION BY THE MODE OF
20 TRANSPORT NECESSARY SHALL BE UNDERTAKEN BY THE INSURANCE
21 PROVIDER.
22

23 (I) MEDICAL REPATRIATION. WHEN MEDICALLY NECESSARY AS
24 DETERMINED BY THE ATTENDING PHYSICIAN, REPATRIATION UNDER
25 MEDICAL SUPERVISION TO THE MIGRANT WORKER'S RESIDENCE SHALL BE
26 UNDERTAKEN BY THE INSURANCE PROVIDER AT SUCH TIME THAT THE
27 MIGRANT WORKER IS MEDICALLY CLEARED FOR TRAVEL BY COMMERCIAL
28 CARRIER. IF THE TIME PERIOD TO RECEIVE MEDICAL CLEARANCE TO
29 TRAVEL EXCEEDS FOURTEEN (14) DAYS FROM THE DATE OF DISCHARGE FROM
30 THE HOSPITAL, AN ALTERNATIVE APPROPRIATE MODE OF TRANSPORTATION,
31 SUCH AS AIR AMBULANCE, MAY BE ARRANGED. MEDICAL AND NON-MEDICAL
32 ESCORTS MAY BE PROVIDED WHEN NECESSARY.

33 (J) RETURN OF MORTAL REMAINS. INCASE OF DEATH OF THE MIGRANT
34 WORKER DUE TO ANY CAUSE, THE INSURANCE PROVIDER SHALL ARRANGE
35 AND PAY FOR THE RETURN OF HIS OR HER MORTAL REMAINS. THE
36 INSURANCE PROVIDER SHALL RENDER ANY ASSISTANCE NECESSARY IN THE
37 TRANSPORT, INCLUDING BUT NOT LIMITED TO, LOCATING A LOCAL AND
38 LICENSED FUNERAL HOME, MORTUARY OR DIRECT DISPOSITION FACILITY TO
39 PREPARE THE BODY FOR TRANSPORT, COMPLETING ALL DOCUMENTATION,
40 OBTAINING LEGAL CLEARANCES, PROCURING CONSULAR SERVICES,
41 PROVIDING DEATH CERTIFICATES, PURCHASING THE MINIMALLY NECESSARY
42 CASKET OR AIR TRANSPORT CONTAINER, AS WELL AS TRANSPORTING THE
43 REMAINS INCLUDING RETRIEVAL FROM SITE OF DEATH AND DELIVERY TO
44 THE RECEIVING FUNERAL HOME
45

46 THE ABOVEMENTIONED INSURANCE COVERAGE SHALL BE WITHOUT
47 PREJUDICE TO CLAIMS UNDER THE POEA STANDARD EMPLOYMENT CONTRACT
48 AND/OR COLLECTIVE BARGAINING AGREEMENT (CBA) FOR SEAFARERS.
49

50 ONLY REPUTABLE PRIVATE INSURANCE COMPANIES DULY REGISTERED WITH
51 THE INSURANCE COMMISSION (IC), WHICH ARE IN EXISTENCE AND OPERATIONAL
52 FOR AT LEAST FIVE (5) YEARS AND WITH A CURRENT YEAR CERTIFICATE OF
53 AUTHORITY SHALL BE QUALIFIED TO PROVIDE FOR THE WORKER'S INSURANCE
54 COVERAGE. INSURANCE COMPANIES WHO HAVE DIRECTORS, PARTNERS, OFFICERS,
55 EMPLOYEES OR AGENTS WITH RELATIVES, WITHIN THE FOURTH CIVIL DEGREE OF
56 CONSANGUINITY OR AFFINITY, WHO WORK OR HAVE INTEREST IN ANY OF THE
57 LICENSED RECRUITMENT/MANNING AGENCIES OR IN ANY OF THE GOVERNMENT

1 AGENCIES INVOLVED IN THE OVERSEAS EMPLOYMENT PROGRAM SHALL BE
2 DISQUALIFIED FROM PROVIDING THIS WORKERS' INSURANCE COVERAGE.
3

4 THE RECRUITMENT AGENCY SHALL HAVE THE RIGHT TO CHOOSE FROM ANY OF
5 THE QUALIFIED INSURANCE PROVIDERS THE COMPANY THAT WILL INSURE THE
6 MIGRANT WORKER IT WILL DEPLOY. AFTER PROCURING SUCH INSURANCE POLICY,
7 THE RECRUITMENT AGENCY SHALL PROVIDE AN AUTHENTICATED COPY THEREOF
8 TO THE MIGRANT WORKER. IT SHALL THEN SUBMIT THE CERTIFICATE OF
9 INSURANCE COVERAGE OF THE MIGRANT WORKER TO POEA AS A REQUIREMENT FOR
10 THE ISSUANCE OF OVERSEAS EMPLOYMENT CERTIFICATE (OEC) TO THE MIGRANT
11 WORKER.
12

13 ANY PERSON HAVING A CLAIM UPON THE POLICY ISSUED PURSUANT TO SUB-
14 PARAGRAPHS A, B, C, D AND E OF THIS SECTION SHALL PRESENT TO THE INSURANCE
15 COMPANY CONCERNED A WRITTEN NOTICE OF CLAIM TOGETHER WITH PERTINENT
16 SUPPORTING DOCUMENTS. THE INSURANCE COMPANY SHALL FORTHWITH
17 ASCERTAIN THE TRUTH AND EXTENT OF THE CLAIM AND MAKE PAYMENT WITHIN
18 TEN (10) DAYS FROM THE FILING OF THE NOTICE OF CLAIM.
19

20 ANY CLAIM ARISING FROM ACCIDENTAL DEATH, NATURAL DEATH OR
21 DISABLEMENT UNDER THIS SECTION SHALL BE PAID BY THE INSURANCE COMPANY
22 WITHOUT ANY CONTEST AND WITHOUT THE NECESSITY OF PROVING FAULT OR
23 NEGLIGENCE OF ANY KIND ON THE PART OF THE INSURED MIGRANT WORKER;
24 PROVIDED THE FOLLOWING DOCUMENTS, DULY AUTHENTICATED BY THE
25 PHILIPPINE FOREIGN POSTS, SHALL BE SUFFICIENT EVIDENCE TO SUBSTANTIATE
26 THE CLAIM:
27

- 28 1) DEATH CERTIFICATE – IN CASE OF NATURAL OR ACCIDENTAL DEATH;
 - 29 2) POLICE OR ACCIDENT REPORT – IN CASE OF ACCIDENTAL DEATH; AND
 - 30 3) MEDICAL CERTIFICATE – IN CASE OF PERMANENT DISABLEMENT;
- 31

32 FOR REPATRIATION UNDER SUB-PARAGRAPH (D) HEREOF, A CERTIFICATION
33 WHICH STATES THE REASON/S FOR THE TERMINATION OF THE MIGRANT WORKER'S
34 EMPLOYMENT AND THE NEED FOR HIS/HER REPATRIATION SHALL BE ISSUED BY THE
35 PHILIPPINE FOREIGN POST OR THE PHILIPPINE OVERSEAS LABOR OFFICE (POLO)
36 LOCATED IN THE RECEIVING COUNTRY.
37

38 FOR SUBSISTENCE ALLOWANCE BENEFIT UNDER SUB-PARAGRAPH (E), THE
39 CONCERNED LABOR ATTACHE OR, IN HIS ABSENCE, THE EMBASSY OR CONSULAR
40 OFFICIAL SHALL ISSUE A CERTIFICATION WHICH STATES THE NAME OF THE CASE,
41 THE NAMES OF THE PARTIES AND THE NATURE OF THE CAUSE OF ACTION OF THE
42 MIGRANT WORKER.
43

44 FOR THE PAYMENT OF MONEY CLAIMS UNDER SUB-PARAGRAPH (F), THE
45 FOLLOWING RULES SHALL GOVERN:
46

- 47 1) AFTER A DECISION HAS BECOME FINAL AND EXECUTORY OR A
48 SETTLEMENT/COMPROMISE AGREEMENT HAS BEEN REACHED BETWEEN
49 THE PARTIES AT THE NLRC, AN ORDER SHALL BE RELEASED MANDATING
50 THE RESPONDENT RECRUITMENT/MANNING AGENCY TO PAY THE AMOUNT
51 ADJUDGED OR AGREED UPON WITHIN THIRTY (30) DAYS;
- 52 2) THE RECRUITMENT/MANNING AGENCY SHALL THEN IMMEDIATELY FILE A
53 NOTICE OF CLAIM WITH ITS INSURANCE PROVIDER FOR THE AMOUNT OF
54 LIABILITY INSURED, ATTACHING THEREWITH A COPY OF THE DECISION OR
55 COMPROMISE AGREEMENT;
- 56 3) WITHIN TEN (10) DAYS FROM THE FILING OF NOTICE OF CLAIM, THE
57 INSURANCE COMPANY SHALL MAKE PAYMENT TO THE
58 RECRUITMENT/MANNING AGENCY THE AMOUNT ADJUDGED OR AGREED
59 UPON, OR THE AMOUNT OF LIABILITY INSURED, WHICHEVER IS LOWER.
60 AFTER RECEIVING THE INSURANCE PAYMENT, THE
61 RECRUITMENT/MANNING AGENCY SHALL IMMEDIATELY PAY THE
62
63

1 MIGRANT WORKER'S CLAIM IN FULL, TAKING INTO ACCOUNT THAT IN
2 CASE THE AMOUNT OF INSURANCE COVERAGE IS INSUFFICIENT TO
3 SATISFY THE AMOUNT ADJUDGED OR AGREED UPON, IT IS LIABLE TO PAY
4 THE BALANCE THEREOF;
5

- 6 4) IN CASE THE INSURANCE COMPANY FAILS TO MAKE PAYMENT WITHIN TEN
7 (10) DAYS FROM THE FILING OF THE CLAIM, THE RECRUITMENT/MANNING
8 AGENCY SHALL PAY THE AMOUNT ADJUDGED OR AGREED UPON WITHIN
9 THE REMAINING DAYS OF THE THIRTY-DAY PERIOD, AS PROVIDED IN THE
10 FIRST SUB-PARAGRAPH HEREOF;
11
- 12 5) IF THE WORKER'S CLAIM WAS NOT SETTLED WITHIN THE AFORESAID
13 THIRTY-DAY PERIOD, THE RECRUITMENT/MANNING AGENCY'S
14 PERFORMANCE BOND OR ESCROW DEPOSIT SHALL BE FORTHWITH
15 GARNISHED TO SATISFY THE MIGRANT WORKER'S CLAIM;
16
- 17 6) THE PROVISION OF COMPULSORY WORKER'S INSURANCE UNDER THIS
18 SECTION SHALL NOT AFFECT THE JOINT AND SOLIDARY LIABILITY OF THE
19 FOREIGN EMPLOYER AND THE RECRUITMENT/MANNING AGENCY UNDER
20 SECTION 10;
21
- 22 7) LAWYERS FOR THE INSURANCE COMPANIES, UNLESS THE LATTER IS
23 IMPEADED, SHALL BE PROHIBITED TO APPEAR BEFORE THE NLRC IN
24 MONEY CLAIMS CASES UNDER THIS SECTION.
25

26 ANY QUESTION OR DISPUTE IN THE ENFORCEMENT OF ANY INSURANCE POLICY
27 ISSUED UNDER THIS SECTION SHALL BE BROUGHT BEFORE THE INSURANCE
28 COMMISSION FOR MEDIATION OR ADJUDICATION.
29

30 IN CASE IT IS SHOWN BY SUBSTANTIAL EVIDENCE BEFORE THE POEA THAT THE
31 MIGRANT WORKER WHO WAS DEPLOYED BY A LICENSED RECRUITMENT/MANNING
32 AGENCY HAS PAID FOR THE PREMIUM OR THE COST OF THE INSURANCE COVERAGE
33 OR THAT THE SAID INSURANCE COVERAGE WAS USED AS BASIS BY THE
34 RECRUITMENT/MANNING AGENCY TO CLAIM ANY ADDITIONAL FEE FROM THE
35 MIGRANT WORKER, THE SAID LICENSED RECRUITMENT/MANNING AGENCY SHALL
36 LOSE ITS LICENSE AND ALL ITS DIRECTORS, PARTNERS, PROPRIETORS, OFFICERS AND
37 EMPLOYEES SHALL BE PERPETUALLY DISQUALIFIED FROM ENGAGING IN THE
38 BUSINESS OF RECRUITMENT OF OVERSEAS WORKERS. SUCH PENALTY IS WITHOUT
39 PREJUDICE TO ANY OTHER LIABILITY WHICH SUCH PERSONS MAY HAVE INCURRED
40 UNDER EXISTING LAWS, RULES OR REGULATIONS.
41

42 FOR MIGRANT WORKERS RECRUITED BY THE POEA ON A GOVERNMENT-TO-
43 GOVERNMENT ARRANGEMENT, THE POEA SHALL ESTABLISH A FOREIGN EMPLOYERS
44 GUARANTEE FUND WHICH SHALL BE ANSWERABLE TO THE WORKERS' MONETARY
45 CLAIMS ARISING FROM BREACH OF CONTRACTUAL OBLIGATIONS. FOR MIGRANT
46 WORKERS CLASSIFIED AS REHIREES, NAME HIRES OR DIRECT HIRES, THEY MAY OPT
47 TO BE COVERED BY THIS INSURANCE COVERAGE BY REQUESTING THEIR FOREIGN
48 EMPLOYERS TO PAY FOR THE COST OF THE INSURANCE COVERAGE OR THEY MAY
49 PAY FOR THE PREMIUM THEMSELVES. TO PROTECT THE RIGHTS OF THESE WORKERS,
50 THE DOLE AND POEA SHALL PROVIDE THEM ADEQUATE LEGAL ASSISTANCE,
51 INCLUDING CONCILIATION AND MEDIATION SERVICES, WHETHER AT HOME OR
52 ABROAD.
53

54 AT THE END OF EVERY YEAR, THE DEPARTMENT OF LABOR AND EMPLOYMENT
55 AND THE INSURANCE COMMISSION (IC) SHALL JOINTLY MAKE AN ASSESSMENT OF
56 THE PERFORMANCE OF ALL INSURANCE PROVIDERS, BASED UPON THE REPORT OF
57 NLRC AND POEA ON THEIR RESPECTIVE INTERACTIONS AND EXPERIENCES WITH THE
58 INSURANCE COMPANIES, AND THEY SHALL HAVE THE AUTHORITY TO BAN OR
59 BLACKLIST SUCH INSURANCE COMPANIES WHICH ARE KNOWN TO BE EVASIVE OR
60 NOT RESPONSIVE TO THE LEGITIMATE CLAIMS OF MIGRANT WORKERS. THE DOLE
61 SHALL INCLUDE SUCH ASSESSMENT IN ITS YEAR-END REPORT TO CONGRESS.
62

1 FOR PURPOSES OF THIS SECTION, THE DOLE, IC, NLRC AND THE POEA, IN
2 CONSULTATION WITH THE RECRUITMENT/MANNING AGENCIES AND LEGITIMATE
3 NON-GOVERNMENT ORGANIZATIONS ADVOCATING THE RIGHTS AND WELFARE OF
4 OFWS, SHALL FORMULATE THE NECESSARY IMPLEMENTING RULES AND
5 REGULATIONS.
6

7 THE FOREGOING PROVISIONS ON MANDATORY INSURANCE COVERAGE SHALL
8 BE SUBJECT TO AUTOMATIC REVIEW THROUGH THE CONGRESSIONAL OVERSIGHT
9 COMMITTEE ON LABOR AND EMPLOYMENT (COCLE) IMMEDIATELY AFTER THREE (3)
10 YEARS FROM THE EFFECTIVITY OF THIS ACT IN ORDER TO DETERMINE ITS EFFICACY
11 IN FAVOR OF THE COVERED OFWS AND THE COMPLIANCE BY RECRUITMENT
12 AGENCIES AND INSURANCE COMPANIES, WITHOUT PREJUDICE TO AN EARLIER
13 REVIEW IF NECESSARY AND WARRANTED FOR THE PURPOSE OF MODIFYING,
14 AMENDING AND/OR REPEALING THESE SUBJECT PROVISIONS.
15

16 [SEC. 24. Anew Section 37-B of Republic Act No. 8042, as amended, is hereby added to read as follows:
17

18 “SEC. 37-B. *CONGRESSIONAL OVERSIGHT COMMITTEE*. – THERE IS HEREBY CREATED
19 A JOINT CONGRESSIONAL OVERSIGHT COMMITTEE COMPOSED OF FIVE (5) SENATORS AND
20 FIVE (5) REPRESENTATIVES TO BE APPOINTED BY THE SENATE PRESIDENT AND THE
21 SPEAKER OF THE HOUSE OF REPRESENTATIVES, RESPECTIVELY. THE OVERSIGHT
22 COMMITTEE SHALL BE CHAIRED BY THE CHAIRPERSON OF THE SENATE COMMITTEE ON
23 LABOR, EMPLOYMENT AND HUMAN RESOURCES DEVELOPMENT AND CO-CHAIRLED BY THE
24 CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES COMMITTEE ON OVERSEAS WORKERS
25 AFFAIRS. THE OVERSIGHT COMMITTEE SHALL HAVE THE FOLLOWING DUTIES AND
26 FUNCTIONS:
27

- 28 (A) TO SET THE GUIDELINES AND OVERALL FRAMEWORK TO MONITOR AND
29 ENSURE THE PROPER IMPLEMENTATION OF RA 8042, AS AMENDED, AS WELL
30 AS ALL PROGRAMS, PROJECTS AND ACTIVITIES RELATED TO OVERSEAS
31 EMPLOYMENT;
32
- 33 (B) TO ENSURE TRANSPARENCY AND REQUIRE THE SUBMISSION OF REPORTS
34 FROM CONCERNED GOVERNMENT AGENCIES ON THE CONDUCT OF
35 PROGRAMS, PROJECTS AND POLICIES RELATING TO THE IMPLEMENTATION
36 OF RA 8042, AS AMENDED;
37
- 38 (C) TO APPROVE THE BUDGET FOR THE PROGRAMS OF THE OVERSIGHT
39 COMMITTEE AND ALL DISBURSEMENTS THEREFROM, INCLUDING
40 COMPENSATION OF ALL PERSONNEL;
41
- 42 (D) TO SUBMIT PERIODIC REPORTS TO THE PRESIDENT OF THE PHILIPPINES AND
43 CONGRESS ON THE IMPLEMENTATION OF THE PROVISIONS OF RA 8042, AS
44 AMENDED;
45
- 46 (E) TO DETERMINE WEAKNESSES IN THE LAW AND RECOMMEND THE
47 NECESSARY REMEDIAL LEGISLATION OR EXECUTIVE MEASURES; AND
48
- 49 (F) TO PERFORM SUCH OTHER DUTIES, FUNCTIONS AND RESPONSIBILITIES AS
50 MAY BE NECESSARY TO ATTAIN ITS OBJECTIVES.
51

52 THE OVERSIGHT COMMITTEE SHALL ADOPT ITS INTERNAL RULES OF PROCEDURE,
53 CONDUCT HEARINGS AND RECEIVE TESTIMONIES, REPORTS, AND TECHNICAL ADVICE,
54 INVITE OR SUMMON BY *SUBPOENA AD TESTIFICANDUM* ANY PUBLIC OFFICIAL OR PRIVATE
55 CITIZEN TO TESTIFY BEFORE IT, OR REQUIRE ANY PERSON BY *SUBPOENA DUCES TECUM*
56 DOCUMENTS OR OTHER MATERIALS AS IT MAY REQUIRE CONSISTENT WITH THE
57 PROVISIONS OF RA 8042, AS AMENDED.
58

59 THE OVERSIGHT COMMITTEE SHALL ORGANIZE ITS STAFF AND TECHNICAL PANEL,
60 AND APPOINT SUCH PERSONNEL, WHETHER ON SECONDMENT FROM THE SENATE AND
61 THE HOUSE OF REPRESENTATIVES OR ON TEMPORARY, CONTRACTUAL, OR ON
62 CONSULTANCY, AND DETERMINE THEIR COMPENSATION SUBJECT TO APPLICABLE CIVIL

1 SERVICE LAWS, RULES AND REGULATIONS WITH A VIEW TO ENSURING A COMPETENT
2 AND EFFICIENT SECRETARIAT;

3
4 THE MEMBERS OF THE OVERSIGHT COMMITTEE SHALL NOT RECEIVE ADDITIONAL
5 COMPENSATION, ALLOWANCES OR EMOLUMENTS FOR SERVICES RENDERED THERETO
6 EXCEPT TRAVELING, EXTRA-ORDINARY AND OTHER NECESSARY EXPENSES TO ATTAIN
7 ITS GOALS AND OBJECTIVES

8
9 THE OVERSIGHT COMMITTEE SHALL EXIST FOR A PERIOD OF TEN (10) YEARS FROM
10 THE EFFECTIVITY OF THIS ACT AND MAY BE EXTENDED BY A JOINT CONCURRENT
11 RESOLUTION.”]

12
13 **SEC. 25. *Implementing Rules and Regulations.*** – The departments and agencies charged with carrying out the
14 provisions of this Act, except as otherwise provided herein, in consultation with the Senate Committee on Labor and
15 Employment and the House of Representatives Committee on Overseas Workers Affairs, shall, within sixty (60) days
16 after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

17
18 **SEC. 26. *Funding.*** – The departments and agencies charged with carrying out the provisions of this Act shall include
19 in their respective programs the implementation of this Act, the funding of which shall be included in the General
20 Appropriations Act. The Congressional Oversight Committee on Overseas Workers Affairs shall have the sum of
21 Twenty-five million pesos (P25,000,000.00), half of which shall be charged against the current appropriations of the
22 Senate while the other half shall be charged against the current appropriations of the House of Representatives, to
23 carry out its powers and functions for its initial operations and for fiscal years wherein the General Appropriations
24 Act is re-enacted and no provision for its continued operation is included in such Act. Thereafter, such amount
25 necessary for its continued operations shall be included in the annual General Appropriations Act.

26
27 **SEC. 27. *Separability Clause.*** – If, for any reason, any portion of this Act is declared unconstitutional or invalid, the
28 same shall not affect the validity of the other provisions not affected thereby.

29
30 **SEC. 28. *Repealing Clause.*** – All laws, decrees, executive orders, issuances, rules and regulations or parts thereof
31 inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

32
33 **SEC. 29. *Effectivity.*** – This act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of
34 general circulation.

35
36 *Approved,*