

FOURTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

6 FEB 30 2008

SENATE
S.B. 2231

RECEIVED BY:

Introduced by Senator Villar

Explanatory Note

As of December 2007, per the statistics of the Department of Foreign Affairs (DFA) as reported, there are twenty eight (28) Filipinos facing death penalty cases: ten (10) in Malaysia, nine (9) in the Kingdom of Saudi Arabia, four (4) in Kuwait, three (3) in China, one (1) in Brunei Darrusalam and one (1) in the United States of America.

It has been reported that a substantial number of Filipinos are in detention in various countries. The cases of maltreatments, abusive employers and harassments and the proportional upward spike in abductions and wars between and among countries have resulted in the increasing number of OFWs in distress. The Philippine embassies and consulates have been home to these unfortunate migrant workers waiting for repatriation.

There are numerous guarantees in the 1987 Philippine Constitution and statutes promoting the rights and welfare of migrant workers:

- Article XIII, Section 3, which provides, "The State shall afford full protection of labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all."
- Presidential Decree 442, Labor Code of the Philippines, devoted three chapters on overseas employment;
- Republic Act 8042, the Migrant Workers Act
- The Omnibus Rules and Regulations implementing the Philippine Migrant Workers Act;
- Executive Order 797 creating the Philippines Overseas Employment Administration;
- EO 1694 which created a welfare fund for the OFWs;
- Executive Order 247, amendments to the POEA charter;
- Executive Order 195 established a medical care program for OFWs

The laws and regulations are magnified in honour in a number of landmark treaties of which the Philippines is a signatory:

1. The United Nations Convention on the Protection of the Rights of Migrant Workers provides that migrant workers have the right to liberty and security of person; right to protection from cruel and inhuman punishment; right to legal personality and recognition as a person before the law; right to representation, consultation and protection from discrimination and exploitation.

2. The Universal Declaration of Human Rights states:

- “Article 2. Everyone is entitled to all rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or social status. Furthermore, no distinction shall be made on the basis of the political jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self governing or under any limitation of sovereignty.”
- “Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law.”

But while there may be a comprehensive set of laws protecting the overseas workers, its implementation in reality remains wanting. In particular, the funding requirement needed to effect a meaningful and truly caring-OFW environment is far from ideal. At present, the fund allotted to assist OFWs in distress is negligible. In the Department of Foreign Affairs budget, for example, the combined sum of the Assistance to Nationals and the Legal Assistant Fund, two items in the DFA budget utilized for OFWs repatriation, is Php 66 million.

Likewise, the present strategy because of budgetary constraints is towards giving a last ditch effort to save them. Worse, the undocumented workers or those who are hired by unscrupulous individuals or agencies or those who work abroad without acquiring the necessary dossiers as job contracts, labour cards or visas are not covered by existing laws for repatriation assistance.

This legislation is submitted to cover both documented and undocumented OFWs in the assistance program of the government. It also adds a special mechanism to alleviate the plight of undocumented OFWs and overseas Filipinos in distress by creating a Php 1 Billion Special Fund that can be used for repatriation; medical expenses, hospitalization and purchase of medicine of returning sick overseas workers; migration fees for overstaying Filipinos; legal assistance including litigation expenses, legal fees, payment of translation fees, attendance in court hearings; payment of blood money, when necessary; and basic necessities of OFWs caught in emergencies or are detained.

A substantial portion of the budget must be allotted to support the livelihood programs, or skills acquisition or re-acquisition of new knowledge, education and trainings of returning OFWs.

Considering its beneficial implication and the need to alleviate the poor plight of OFWs, this legislation's immediate enactment is requested.



MANNY VILLAR

FOURTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

APR 30 1975

SENATE
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Introduced by Senator Villar

**AN ACT
PROVIDING AN ASSISTANCE PROGRAM FOR OVERSEAS FILIPINO
WORKERS IN DISTRESS, BOTH DOCUMENTED AND
UNDOCUMENTED, PROVIDING FUNDS THEREFOR AND FOR
OTHER PURPOSES.**

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

SECTION 1. It is a declared policy of the State that full protection must be accorded to labor, local and overseas. Assistance to overseas Filipino worker must be without distinction, it should cover both documented and undocumented migrant workers.

Beginning the year this Act is enacted, a Special Assistance Fund for Overseas Filipino Workers in Distress, Both Documented and Undocumented Migrant Workers, in the amount of one billion pesos (P 1,000,000,000.00) is hereby created. The fund shall be utilized for the following purposes:

- a. Repatriation;
- b. Medical expenses, hospitalization and purchase of medicine in the form of vouchers for six (6) months from arrival;
- c. Migration fees for overstaying Filipinos;
- d. Legal assistance including litigation expenses, legal fees, payment of translation fees, attendance in court hearings;
- e. Payment of blood money, when necessary;
- f. Basic necessities of OFWs caught in emergencies or are detained

Provided, That thirty percent (30 %) of the total fund shall be allotted to support a livelihood training program or re-training of returning overseas Filipino workers in new skills and literacy.

SECTION 2. In the utilization of the Fund, the principles of accountability and transparency must be fully observed.

SECTION 3. The fund needed to initially implement the provisions of this Act must be sourced primarily from the General Appropriations Act. The appropriation allotted to Assistance to Nationals and Legal Assistance Fund in the Department of Foreign Affairs shall serve as core fund for the program.

Thereafter the yearly Php 1 billion appropriation shall be sourced from the earnings of the Bureau of Immigration, Duty-Free Philippines, passport processing fees of the Department of Foreign Affairs, Philippine Charity Sweepstakes Office, and other relevant offices or agencies as may be recommended and identified in the implementing rules and regulations.

SECTION 4. The Department of Labor and Employment in consultation with the Department of Budget and Management and representatives of the private sector and recognized overseas labor organizations shall issue the necessary implementing rules and regulations to implement the provisions of this Act.

SECTION 5. Should any provision of this Act be declared as unconstitutional, the validity of the remaining provisions hereof shall remain in full force and effect.

SECTION 6. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,