

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HB No. 1618

Introduced by Rep. Roseller L. Barinaga

EXPLANATORY NOTE

Both migrant Filipinos and overseas Filipino workers play vital role in the economic survival of this nation especially during this period of recession. This year alone, the Bangko Sentral ng Pilipinas, in its July 2004 projections, estimated another hefty amount of 8 Billion Dollars in remittances from this sector of our society. These contributions, in many ways and as always, help maintain our dollar reserves, assuming as a buffer to help fill in for our government's annual budget deficits.

Grounded on this premise, it is of utmost importance that our government, through its consular representatives the world over where migrant Filipinos and OFWs are present, should take extra diligence and cognizance of the urgent needs of this sector of our society however their legal statuses may be.

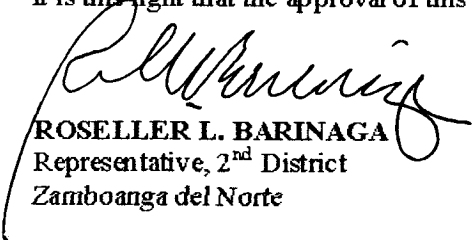
The enactment of Republic Act No.8042 sometime in 1995 was a welcome development to many in the affected sector as the law was primarily aimed at promoting migrant workers as well as overseas Filipino workers and their families and dependents especially those who are in distressed situation. However, after almost a decade from its enactment into law, migrant Filipinos and OFWs still face more problems – often a result of gross negligence and sheer apathy on the part of government officials who are supposed to take cudgels of this sector who are away from their home country.

There are litanies of testimonial experiences from migrant Filipinos and OFWs that would simply justify their reluctance to seek assistance from our embassies or consular offices abroad during their difficult situations. Albeit there may be exceptions, but they simply cannot afford to plead assistance to a government office abroad which personnel and officials appear very unfriendly and often put them to further precariously conditions.

This bill, therefore, seeks to impose penalties on government personnel and officials abroad, who are stationed in various Consular Offices worldwide, for gross negligence to act on complaints of, or to give assistance or render service especially to distressed migrant Filipinos and OFWs, their families and dependents, amending, therefore, for the purpose Republic Act No.8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995."

Punishing negligent officials of government will certainly ensure the delivery of expected services and responsibilities due our migrant Filipinos and OFWs abroad. This will also prove the commitment of this government to pay back this sector of the Philippine society for its contribution for the country's economic resilience and survival.

It is this light that the approval of this bill is earnestly enjoined.



ROSELLER L. BARINAGA

Representative, 2nd District
Zamboanga del Norte

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

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AN ACT

TO IMPOSE STIFFER PENALTIES ON GOVERNMENT PERSONNEL AND OFFICIALS STATIONED AT VARIOUS EMBASSIES AND CONSULAR OFFICES ABROAD FOR GROSS NEGLIGENCE TO ACT ON COMPLAINTS OF, OR TO GIVE ASSISTANCE OR RENDER SERVICE ESPECIALLY TO DISTRESSED MIGRANT FILIPINOS AND OFWS, THEIR FAMILIES AND DEPENDENTS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE "MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995."

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

SECTION 1. Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipinos Act of 1995" is hereby amended by adding a new section after Section 24 to be denominated as Section 24-A to read as follows:

"SEC. 24-A. *PENALTIES.* - WITHOUT PREJUDICE TO THE FILING OF CRIMINAL COMPLAINT, ANY GOVERNMENT PERSONNEL AND/OR OFFICIAL STATIONED AT A SPECIFIC EMBASSY AND/OR CONSULAR OFFICE ABROAD WHO FAILS OR REFUSES TO RENDER THE SERVICE/S AND/OR ASSISTANCE PROVIDED IN TITLES III, IV AND V OF THIS ACT SHALL, AFTER DUE NOTICE AND HEARING, AND IF FOUND GUILTY, BE PUNISHED WITH SUSPENSION FROM OFFICE OF NOT LESS THAN NINETY (90) DAYS WITHOUT PAY OR DISMISSAL FROM THE SERVICE WITH FORFEITURE OF RETIREMENT AND OTHER BENEFITS, AND SHALL BE DISQUALIFIED FROM HOLDING ANY OTHER PUBLIC OFFICE. FOR THIS PURPOSE.

WHENEVER NECESSARY AND IN THE INTEREST OF FAIR TRIAL, SUCH GOVERNMENT PERSONNEL AND/OR OFFICIAL SHALL IMMEDIATELY BE RECALLED FROM HIS/HER FOREIGN POST AND TEMPORARILY BE RELIEVED OF ANY POSITION FROM

THE DEPARTMENT OR AGENCY OF GOVERNMENT UNTIL HIS/HER
CASE IS DECIDED WITH FINALITY.

SEC. 2. The Office of the Ombudsman, in coordination with the Department of Foreign Affairs (DFA) and the Department of Labor and Employment (DOLE), shall formulate the necessary rules and regulations for the proper and effective implementation of this Act within ninety (90) days from its approval.

SEC. 3. This Act shall take effect after fifteen (15) days from its publication in at least two (2) national newspapers of general circulation.

Approved.