

Congress of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

THIRTEENTH CONGRESS

First Regular Session

House Bill No. **1695**

Introduced by: HONORABLE CLAUDE P. BAUTISTA

EXPLANATORY NOTE

Section 3, Article XIII of the 1987 Constitution provides that:

"The State shall afford full protection to labor, local or overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all."

Labor, by reason of its economic dependence upon capital, is deemed the weaker of the two and needs the protection of the State. Without such protection, workers are easy objects of exploitation. It is in this light that Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipino Act of 1995" was enacted.

While the said Act was intended to establish a higher standard of protection and promotion of the welfare of migrant workers and Filipino in distress, it **failed**, to the author's mind, to give a higher standard to an overseas worker at least in **one** aspect. Under the fifth paragraph of Section 10 of Republic Act No. 8042, an overseas worker who has been terminated from employment without just, valid or authorized cause as defined by law or contract is entitled to the full reimbursement of his placement fee with the interest of twelve percent (12%) *per annum*, plus his salaries for the **unexpired** portion of his employment contract or for three months for every year of the **unexpired** term, whichever is less. In order to give higher standard of protection and promotion of the welfare of the migrant worker, the phrase, whichever is less" should be **changed** to whichever is higher."

Immediate approval of this measure is therefore earnestly requested.


CLAUDE P. BAUTISTA

Congress of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

THIRTEENTH CONGRESS

First Regular Session

House Bill No. **1695**

Introduced by: **HONORABLE CLAUDE P. BAUTISTA**

AN ACT ENSURING A HIGHER STANDARD OF PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS BY AMENDING THE FIFTH PARAGRAPH OF SECTION 10 OF REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE "MIGRANT WORKERS AND OVERSEAS FILIPINO ACT OF 1995"

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

SECTION 1. The fifth paragraph of Section 10 of Republic Act No. 8042, otherwise known as the "Migrant Workers and Overseas Filipino Act of 1995" **is hereby** amended by changing the last word "less" with the word "higher" so that the **paragraph** shall now read as follows:

"In case of termination of overseas employment without just, valid or **authorized** cause as defined by law or contract, the worker shall be entitled to the full reimbursement of his placement fee with interest at twelve percent (12%) per annum, plus his **salaries** for the unexpired portion of his employment contract or for three months for **every year** of the unexpired term, whichever is [less] **HIGHER.**"

SECTION 2. This Act shall take effect immediately upon approval.

Approved.