

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5404



Introduced by REP. JOEL G. VIRADOR

EXPLANATORY NOTE

Undoubtedly, our migrant workers and overseas Filipinos are a great service to our national economy. In 2005 alone, their annual dollar remittances reached US\$10.7 billion. These dollar remittances from our compatriots continue to prop up our nation's floundering economy. These same remittances also shore up the country's dollar reserves that consequently put our trade deficits in check.

These considerable contributions make it imperative that government, through our consular, labor and welfare officials, must at all times be responsive to the needs of our migrant workers and overseas Filipinos, be they documented or undocumented.

Republic Act 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995 was enacted to ostensibly protect and promote the welfare of migrant workers, their families and overseas Filipinos in distress. It was also enacted by the legislature in reaction to the widespread public outrage on the death of Flor Contemplacion in Singapore in 1995.

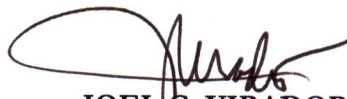
Over a decade after its enactment, RA 8042 has not lived up to its intended purpose. Filipinos abroad continue to suffer under abusive employers, inhuman working conditions, and various rights violations. Every time a Filipino encounters problems or is about to be executed and therefore seeks assistance from various posts abroad, concerned officials feign helplessness or simply pass on the blame for their criminal neglect.

Unfortunately, the law does not chastise or penalize any government official in the consular, labor and welfare services who fails or refuses to give assistance to Filipino migrants.

This Bill seeks to impose penalties on Philippine consular officials and other government personnel for failure to act on complaints of, or to give assistance or render service to migrant workers, their families and overseas Filipinos in distress, amending for the purpose the "Migrant Workers and Overseas Filipinos Act of 1995."

It is hoped that by instituting penalties for errant government officials posted abroad, although not enough, shall ensure their adherence to their duties and responsibilities. This Bill also aims to give our compatriots some assurance that their fundamental rights and freedoms shall not at anytime be compromised or violated and that criminally-negligent government officials are held accountable.

Early approval of this urgent bill is earnestly requested.


JOEL G. VIRADOR
Principal Author

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AN ACT IMPOSING PENALTIES ON PHILIPPINE CONSULAR OFFICIALS AND OTHER GOVERNMENT PERSONNEL ASSIGNED TO OVERSEAS POSTS FOR FAILURE TO ACT ON COMPLAINTS OF, GIVE ASSISTANCE TO OR RENDER SERVICES TO MIGRANT WORKERS, THEIR FAMILIES AND OVERSEAS FILIPINOS IN DISTRESS, AMENDING FOR THE PURPOSE 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:

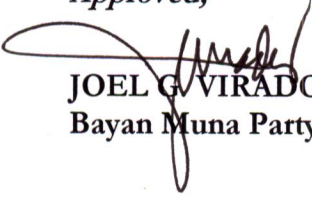
SECTION 1. Republic Act No. 8042 entitled the “Migrant Workers and Overseas Filipinos Act of 1995” is hereby amended by adding a new section after Section 24 to be stated as Section 24-A to read as follows:

“SECTION. 24-A. PENALTIES.- WITHOUT PREDUDICE TO THE FILING OF CRIMINAL COMPLAINT/S, PHILIPPINE CONSULAR OFFICIALS AND OTHER GOVERNMENT PERSONNEL WHO FAIL OR REFUSE 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 THIRTY (30) DAYS TO DISMISSAL FROM THE SERVICE WITH FORFEITURE OF RETIREMENT AND OTHER BENEFITS DEPENDING ON THE GRAVITY OF THEIR OFFENSES, AND SHALL BE DISQUALIFIED FROM HOLDING ANY OTHER GOVERNMENT OFFICE IN THE FUTURE.

FOR THIS PURPOSE, CONGRESS, IN COORDINATION WITH THE DEPARTMENT OF FOREIGN AFFAIRS AND DEPARTMENT OF LABOR AND EMPLOYMENT, SHALL FORMULATE THE NECESSARY RULES AND PROCEDURES FOR THE CONDUCT OF SUCH HEARING/S AND IMPOSITION OF APPROPRIATE PENALTIES.”

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

Approved,



JOEL G. VIRADOR
Bayan Muna Party List