

165-9

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5442



Introduced by Reps. JOEL G. VIRADOR, SATUR C. OCAMPO, TEODORO A. CASIÑO,
LIZA L. MAZA, RAFAEL V. MARIANO

EXPLANATORY NOTE

It is a long running fact that our compatriot Filipinos abroad help immensely to keep our national economy afloat. Migrant workers and immigrants have consistently sent remittances to the homeland – with their annual dollar remittances reaching US\$10.7 billion in 2005.

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.

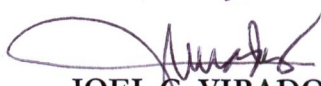
It becomes only fair that their enormous contributions must be reciprocated in various ways by the government. One of the tangible efforts that government should immediately undertake is to expand the legal assistance it presently extends to migrant workers and overseas Filipinos in distressful situations abroad.

Migrante International reports that more than 5,000 overseas Filipinos are languishing in jails worldwide. The Department of Foreign Affairs cites the particularly distressing situation of Filipinos incarcerated in the Middle East owing to their lack of access to Shariah lawyers and other specific legal concerns.

The Migrant Workers and Overseas Filipinos Act of 1995 (Republic Act 8042) was enacted to ostensibly protect and promote the welfare of migrant workers, their families and overseas Filipinos in distress. But more than a decade after its passage into law, R.A. 8042 urgently needs major improvements if it even intends to uplift close to 10 million Filipinos working and/or residing overseas.

As a concrete gesture of gratitude to our overseas compatriots, this Bill seeks to expand the scope of, and upgrade the Department of Foreign Affairs program to provide full and appropriate legal assistance to our compatriot migrant workers and overseas Filipinos in distress, amending for the purpose the "Migrant Workers and Overseas Filipinos Act of 1995."

Early approval of this urgent bill is earnestly requested.


JOEL G. VIRADOR
Bayan Muna Party-List
Principal Author

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5442

Introduced by Reps. JOEL G. VIRADOR, SATUR C. OCAMPO, TEODORO A. CASIÑO,
LIZA L. MAZA, RAFAEL V. MARIANO

AN ACT
EXPANDING GOVERNMENT LEGAL SERVICES TO MIGRANT WORKERS AND
OVERSEAS FILIPINOS IN DISTRESS, AMENDING FOR THE PURPOSE REPUBLIC
ACT NO. 8042 OR 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. The position of “Legal Assistant for Migrant Workers Affairs,” as provided under Section 24 of the Migrant Workers and Overseas Filipinos Act of 1995, is hereby transformed into the “Office of the Undersecretary for Migrant Workers Affairs.” The said section is hereby amended to read as follows:

“SEC. 24.OFFICE OF THE UNDERSECRETARY FOR MIGRANT WORKERS AFFAIRS. – There is hereby created the (position of) OFFICE OF THE UNDERSECRETARY FOR MIGRANT WORKERS AFFAIRS under the Department of Foreign Affairs WHICH shall be primarily responsible for the provision and overall coordination of all legal assistance services to be provided to ALL Filipino migrant workers (as well as) AND overseas Filipinos in distress. (He shall have the rank, salary and privileges equal to that of an undersecretary of said Department.)

“The said UNDERSECRETARY shall be appointed by the President and must be of proven competence in the field of law with at least ten (10) years of experience as a legal practitioner, SHALL BE RECOMMENDED BY APPROPRIATE GOVERNMENT AGENCIES AND NON-GOVERNMENTAL ORGANIZATIONS ASSISTING FILIPINO MIGRANTS and must not have been a candidate to any elective office in the last local or national elections.

“Among the functions and responsibilities of the UNDERSECRETARY FOR MIGRANT WORKERS AFFAIRS are:

- (a) To issue the guidelines, procedures and criteria for the provisions of free legal assistance services to COVER Filipino migrant workers AND MIGRANTS IN DISTRESS FACING ANY TYPE OF CASE ON-SITE AND IN THE PURSUIT OF CIVIL, ADMINISTRATIVE, CRIMINAL, LABOR AND WELFARE CASES AGAINST FOREIGN AND LOCAL RECRUITMENT PRINCIPALS, RESPONSIBLE GOVERNMENT OFFICIALS AND ANY CULPABLE ENTITIES;
- (b) To establish close linkages with the Department of Labor and Employment, the POEA, the OWWA, THE NATIONAL LABOR RELATIONS COMMISSION, DEPARTMENT OF JUSTICE, and other government agencies concerned, as well as with non-governmental organizations assisting migrant workers, to ensure effective coordination and cooperation in the provision of full legal assistance to migrant workers AND MIGRANTS IN DISTRESS;
- (c) To tap the assistance of reputable law firms and the Integrated Bar of the Philippines and other bar associations to complement government efforts to provide FREE legal assistance to migrant workers AND MIGRANTS IN DISTRESS;
- (d) To administer the legal assistance fund for migrant workers established under Section 25 hereof and to authorize disbursements there from in accordance with the purposes for which the fund was set up;
- (e) To keep, maintain AND PROVIDE THE PUBLIC FREE ACCESS TO the information system as provided in Section 20;
- (F) The SAID UNDERSECRETARY shall have authority to hire private lawyers, domestic or foreign, in order to assist him in the effective discharge of the above functions. THE PARTICULAR AND URGENT NEED FOR SHARIAH LAWYERS IN POSTS IN THE MIDDLE EAST SHALL BE GIVEN APPROPRIATE PRIORITY BY THE UNDERSECRETARY.”

SEC. 2. Section 25 of the Migrant Workers and Overseas Filipinos Act of 1995 is hereby amended to read as follows:

“SEC. 25. Legal Assistance Fund. - There is hereby established a legal assistance fund for migrant workers, herein after referred to as Legal Assistance Fund, in the amount of ONE BILLION PESOS (P1,000,000,000.00) ANNUALLY to be constituted from the (following sources:) GENERAL APPROPRIATIONS ACT.

[Fifty million pesos (P50,000,000.00) from the Contingency Fund of the President;]

[Thirty million pesos (P30,000,000.00) from the Presidential Social Fund; and]

[Twenty million pesos (P20,000,000) from the Welfare Fund for Overseas Workers established under Letter Instruction No. 537, as amended by Presidential Decree Nos. 1694 and 1809.]

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

SEC. 3. Section 26 of the Migrant Workers and Overseas Filipinos Act of 1995 is hereby amended to read as follows:

SEC. 26. Use of the Legal Assistance Fund. - The Legal Assistance Fund created under the preceding section shall be used exclusively to provide FULL AND APPROPRIATE legal services to migrant workers and migrants in distress in accordance with the guidelines, criteria and procedures promulgated in Section 24 (a) hereof. The expenditures to be charged against the Fund shall include the fees for the foreign lawyers to be hired by the UNDERSECRETARY FOR MIGRANT WORKERS AFFAIRS to represent migrant workers facing charges abroad, bail bonds to secure the temporary release of workers under detention, court fees and charges and other litigation expenses, THE IMMEDIATE REPATRIATION OF MIGRANT WORKERS AND MIGRANTS IN DISTRESS, AND IN AIDING THE MIGRANT WORKERS WHO OPT TO PURSUE CASES IN PHILIPPINE COURTS.

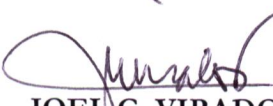
SEC. 4. Legal Attaché Office in the Middle East. – A Legal Attaché Office is hereby established in each country in the Middle East region in accordance with Section 24 (f) of this Act.

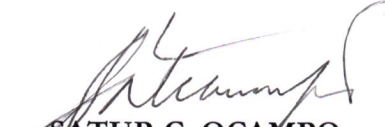
The said Office shall be under the direct supervision of the Department of Foreign Affairs and shall be in charge of providing full and appropriate legal assistance to migrant workers and migrants in distress in the respective areas of responsibility of the post.

SEC. 5. Appropriation. – The amount needed to implement the provisions of this Act is hereby authorized to be appropriated in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 6. Effectivity. – This Act shall take effect fifteen (15) days after its publication in any two (2) national newspapers of general circulation. The publication shall not be later than seven (7) days after approval thereof.

Approved,


JOEL G. VIRADOR
Bayan Muna Party-List


SATUR C. OCAMPO
Bayan Muna Party-List


TEODORO A. CASINO
Bayan Muna Party-List


RAFAEL V. MARIANO
Anakpawis Party-list


LIZA L. MAZA
Gabriela Women's Party