

HOUSE OF REPRESENTATIVES

House Bill No. 1244

Introduced by REPRESENTATIVE MARK A. VILLAR

EXPLANATORY NOTE

This bill is submitted under the principle of *parens patriae*. Under the doctrine, the government's full intervention is needed when the health, comfort and welfare of the people are threatened. This universal policy of the State, serving as parents of its citizens, act to champion the rights of the underprivileged. In this legislation, the doctrine is applied to the best interest of one of the most deprived sectors of the population, the underage migrant workers.

There are instances when minor children, despite prohibition, become overseas migrant workers through the machinations of some unscrupulous individuals. The hardships of our minor OFWs are tales of combined abuse and the corrupted system. Underage Filipino children are being recruited to work overseas and they make extraordinary sacrifices to support their families. In the worst situations, these minor OFWs are trapped in situations of forced labor or have been trafficked into forced domestic work under conditions akin to slavery. It is one of the worst forms of child abuse.

This legislation, which is an amendment to Republic Act No. 8042 or the Migrant Workers Act, is submitted to address this concern. The bill thus provides that the license of a recruitment or placement agency which deployed an underage migrant worker be automatically revoked. Further, all fees paid anent the processing of documents and dossiers required in recruitment or deployment of a minor OFW shall be refunded in full, without need of notice. The refund shall be in addition to the indemnification or damages sustained by the underage migrant worker.

In view of thereof, I recommend the enactment of this bill.



MARK A. VILLAR

Representative

Lone District of Las Piñas City

HOUSE OF REPRESENTATIVES

House Bill No. 1244

Introduced by **REPRESENTATIVE MARK A. VILLAR**

AN ACT PROVIDING FOR THE AUTOMATIC REVOCATION OR CANCELLATION OF THE LICENSE OF A PLACEMENT OR RECRUITMENT AGENCY WHICH RECRUITED OR DEPLOYED AN UNDERAGE MIGRANT WORKER AND THE MANDATORY REFUND OF ALL FEES PAID BY REPATRIATED MINOR OFWs, AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF REPUBLIC ACT NUMBER 8042, OTHERWISE KNOWN AS THE "MIGRANT WORKERS AND OVERSEAS FILIPINO ACT OF 1995"

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

SECTION 1. Section 16 of Republic Act No. 8042, otherwise known as the Migrant Workers Act of 1995 is hereby amended to read as follows:

"SEC. 16. MANDATORY REPATRIATION OF UNDERAGE MIGRANT WORKERS. - Upon discovery or being informed of the presence of migrant workers whose actual ages fall below the minimum wage requirement for overseas deployment, the responsible officers in the foreign service shall without delay repatriate said workers and advise the Department of Foreign Affairs through the fastest means of communication available of such discovery and other relevant information.

THE LICENSE OF THE RECRUITMENT OR PLACEMENT AGENCIES WHICH RECRUITED OR DEPLOYED AN UNDERAGE MIGRANT WORKER SHALL BE AUTOMATICALLY REVOKED.

ALL FEES PAID RELEVANT TO THE PROCESSING OF PAPERS OR DOCUMENTS RELEVANT TO THE RECRUITMENT OR DEPLOYMENT SHALL BE REFUNDED IN FULL, WITHOUT NEED OF NOTICE, TO THE UNDERAGE MIGRANT WORKER OR TO HIS PARENTS OR GUARDIAN. THE REFUND SHALL BE INDEPENDENT AND IN ADDITION TO THE INDEMNIFICATION AND DAMAGES SUSTAINED BY THE UNDERAGE MIGRANT WORKER. THE REFUND SHALL BE PAID WITHIN THIRTY (30) DAYS FROM THE DATE OF THE MANDATORY REPATRIATION AS PROVIDED IN THIS ACT."

SECTION 2. Within thirty (30) days after the enactment of this Act, the Department of Labor and Employment shall issue the necessary rules and regulations to implement the provisions of this Act.

SECTION 3. 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 is earlier.

Approved,