

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 3193

Introduced by DIWA Representative Emmeline Y. Aglipay

EXPLANATORY NOTE

There are few things more terrifying than to be alone in a foreign land, without friends or resources or at times even shelter, without a way to return home. This is the plight faced by many of our overseas foreign workers, with repatriation at times taking longer than a year. While existing laws do provide for repatriation as a remedy for overseas foreign workers, these laws do not provide a set period of time within which repatriation must be completed, giving rise to situations wherein pleas to return home are lost amidst bureaucratic red tape and procedural bottlenecks. This law will help ensure that requests for repatriation will be processed with the appropriate urgency.

This law also aims to help address other obstacles to repatriation, such as the practice by unscrupulous employers of confiscating the passports of our countrymen, as well as the ease by which employment agencies can evade even the most urgent of communications.


EMMELINE Y. AGLIPAY
Representative, DIWA Party-list

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AN ACT
TO EXPEDITE THE PROCESS OF REPATRIATION OF FILIPINO MIGRANT
WORKERS

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

SECTION 1. EXPEDITED REPATRIATION. - The request for repatriation must be in writing, and may be made by the migrant worker, relatives of the migrant worker up to the second degree of consanguinity or affinity, non-government organizations, or government offices. Such requests shall be resolved within the following periods:

(a) In all cases of repatriation which fall under the coverage of the first paragraph of Section 15 of Republic Act No. 8042 where the migrant worker is still alive, the Overseas Workers Welfare Administration (OWWA) must complete its evaluation of the written request for repatriation and inform the requesting party of its decision within five (5) working days from the receipt of the written request by the OWWA's Field Services Office (FSO), Workers Assistance Division (WAD), Regional OWWA Units (ROUs), or other appropriate office. Should the OWWA find that there is a need for repatriation, the OWWA must ensure that the migrant worker concerned is repatriated within fifteen (15) working days from the date that notice of approval is given to the requesting party.

(b) In all cases of repatriation which fall under the coverage of the first paragraph of Section 15 of Republic Act No. 8042 where the migrant worker is deceased, the OWWA must complete its evaluation of the written request for repatriation and inform the requesting party of its decision within five (5) working days from the receipt of the written request by the OWWA's Field Services Office (FSO), Workers Assistance Division (WAD), Regional OWWA Units (ROUs), or other appropriate office. Should the OWWA find that there is a need for repatriation, the OWWA must ensure that the body of the migrant worker concerned is repatriated within thirty (30) working days from the date that notice of approval is given to the requesting party.

(c) In all cases of repatriation which fall under the coverage of the first paragraph of Section 15 of Republic Act No. 8042 in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events, the OWWA shall without delay undertake the repatriation of workers in the affected regions. The OWWA shall bear the costs and primary responsibility for this repatriation, without prejudice to reimbursement by the responsible principal or agency.

(d) In all cases of repatriation which fall under the coverage of Section 16 of Republic Act No. 8042, the OWWA must complete its evaluation of the written request for repatriation and inform the requesting party of its decision within three (3) working days from the receipt of the written request by the OWWA's Field Services Office (FSO), Workers Assistance Division (WAD), Regional OWWA Units (ROUs), or other appropriate office. Should the OWWA find that there is a need for repatriation, the OWWA must ensure that the migrant worker concerned is repatriated within ten (10) working days from the date that notice of approval is given to the requesting party.

SECTION 2. EMAIL REQUIREMENT; PENALTIES FOR UNRESPONSIVE AGENCIES. - All licensed recruitment agencies must have at least one current and active email address on record with the Philippine Overseas Employment Administration (POEA). It shall be the responsibility of the recruitment agency to keep the POEA updated as to any changes in the aforementioned email address.

Failure of the recruitment agency to respond to any communication from the POEA concerning the repatriation of a migrant worker, sent to the agency's email address on record, within forty eight hours, shall merit sanctions to be determined by the POEA within thirty (30) days from the effectivity of this Act; *Provided*, that an automated email reply, or a statement to the effect that the proper/appropriate official of the agency is unavailable, shall not constitute a reply under this Section.

SECTION 3. PRE-EMPTIVE SUBMISSION TO THE DEPARTMENT OF FOREIGN AFFAIRS. - Within ten (10) working days from the departure of the migrant worker from the Philippines, pursuant to employment facilitated by a local recruitment or placement agency, such agency shall submit to the Department of Foreign Affairs (DFA) one original copy of the Birth Certificate of the migrant worker and one certified true copy of the current passport of the migrant worker, which shall constitute part of the documentary requirements under Section 4 of this Act. The license of a recruitment/manning agency which fails to comply with this provision shall be suspended until it has fully complied with the same, without prejudice to any other sanctions that may be imposed by the POEA.

SECTION 4. EXPEDITED REPLACEMENT OF DETAINED PASSPORTS. - In situations wherein the passport of a migrant worker, who is subject to an approved request for repatriation as per Section 1 of this Act, has been detained by his/her employer or other party, without the consent of the migrant worker, the migrant worker shall be issued a new passport or travel document upon written request of the migrant worker, and under an expedited procedure to be jointly enacted by the OWWA, POEA and DFA within sixty (60) days from the effectivity of this Act; *Provided*, that:

(a) No other pre-existing public or government issued document shall be required to be submitted, as the documents submitted under Section 3 of this Act shall be deemed sufficient;

(b) Any fees required shall be considered as part of the repatriation cost, to be shouldered by the principal, agency, or OWWA as the case may be, subject to appropriate reimbursement;

(c) The evaluation of the written request for repatriation must be complete within fifteen (15) working days from the receipt of the written request by the appropriate agency/office as determined by the expedited procedure;

(d) Should the request be approved, the new passport or travel document must be issued to the migrant worker within fifteen (15) days from such approval; and

(e) Such expedited rules shall be of uniform and shall apply to all Philippine embassies. .

SECTION 5. REPEALING CLAUSE. - All laws, decrees, rules and regulations or parts thereof, which are contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 6. SEPARABILITY CLAUSE. - If any part or provision of this Act is declared unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SECTION 7. EFFECTIVITY CLAUSE. - This Act shall take effect fifteen days from its publication in two national newspapers of general circulation after its approval by the President.

Approved.