

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Fifteenth Congress
SECOND REGULAR SESSION

HOUSE BILL NO. 5331

Introduced by

Gabriela Women's Party
Representatives Luzviminda C. Ilagan and Emmi A. De Jesus

EXPLANATORY NOTE

Labor export as a prime development strategy of the Philippines has never been as challenged with the recent labor situation developments in the Middle East. Stricter implementation of the labor nationalization in Saudi Arabia as well as the hiring ban of domestic service workers from the Philippines has posed a threat to around 1.8 million OFWs hosted by Saudi Arabia. This, after the series of civil unrest leading to the armed crises in the Middle East and North Africa especially in Egypt, in Yemen, in Libya and in Syria, which has led to emergency repatriation of Overseas Filipino Workers (OFWs) trapped in the chaos. Earlier this year, emergency repatriation also had to be done for Filipino nationals affected by the devastating earthquake in New Zealand and the tsunami and nuclear disasters in Japan.

Republic Act No. 8042, "Migrant Workers and Overseas Filipinos Act of 1995," as amended by RA 9422 and RA 10022, along with the Overseas Workers Welfare Administration (OWWA) Omnibus Policies, mandates the formulation and implementation of welfare programs for OFWs. Government agencies are tasked to provide welfare services such as counseling and legal assistance for overseas Filipinos in distress and welfare assistance including the procurement of medical and hospitalization services. Support programs including livelihood, entrepreneurship, savings, investments and financial literacy for returning OFWs and their families are also mandated in the current laws on overseas Filipinos.

Recently, the Department of Labor and Secretary Rosalinda Dimapilis-Baldoz distributed ₱10,000 each to OFW returnees of Region 10 who have been displaced from Libya, Madagascar, Qatar and other Middle East countries due to political unrest in the region. OWWA Administrator announced that a "modest" financial grant of ₱10,000 each awaits OFWs who will be repatriated from Syria. While this is a welcome move from OWWA, such amount will hardly be of help to distressed OFWs forced home by an emergency situation from their host country. Their unplanned homecoming means piling up of unpaid obligations contracted in the pursuit of their failed job abroad as well as those necessary for the survival of their families in the face of joblessness.

While laws on overseas work provide that the Philippine government protect its workers and mandate the provision of services to OFWs, no law expressly provides that a mandatory amount of financial assistance shall be given to OFWs in distress or those repatriated due to natural or man-made calamities or to any reason other than termination of contract to work. The laws are silent on the specific welfare services and benefits aside from



repatriation in cases of natural and man-made calamities in host countries. Thus, in each and every case of collective involuntary repatriation, the OWWA Board decides on whether financial grant and what amount shall be given to identified beneficiaries.

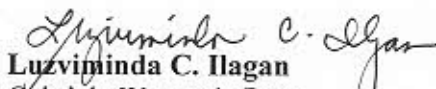
In 2009, OWWA reported a total of 1,479,070 processed Overseas Contract Workers. This means a total of US\$36,976,975 (₱1,553,032,950) OWWA collection for compulsory membership fee for 2009 alone.

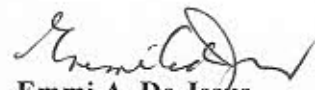
Unfortunately, the huge state exactions from OFWs in the form of compulsory membership fee are not used mainly for the provision of services but more for its operations and investment ventures. This, despite the number of OFWs previously displaced by emergency situations in the past, including those repatriated for various reasons including distressful situations such as abusive employment, human trafficking and illegal recruitment.

A study made by the United Filipinos (UNIFIL) in Hong Kong reveals that for every ₱10 spent by OWWA, ₱8.80 goes to business and investments, while only sixty centavos are spent for the welfare of the OFWs. The mandatory insurance coverage as provided by Republic Act No. 10022 or the amended Migrant Workers and Overseas Filipinos Act of 1995, in effect, relieves OWWA as the agency primarily responsible for providing major welfare services to OFWs, i.e., accidental and natural death benefit, permanent total disablement, repatriation, subsistence allowance for workers involved in a case or litigation for the protection of his/her rights in the receiving country, compassionate visit and medical evacuation and repatriation. This places OWWA in a better position to provide for badly needed welfare services not covered by the compulsory insurance, such as emergency unemployment benefit for all displaced OFWs, including the non-documented.

In view of these, a law mandatorily providing for such benefit is needed. Approval of this Bill, therefore, is earnestly sought.

Approved.


Luzviminda C. Ilagan
Gabriela Women's Party


Emmi A. De Jesus
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**AN ACT PROVIDING FOR FINANCIAL ASSISTANCE FOR DISTRESSED
OVERSEAS FILIPINO WORKERS (OFWs)**

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

Section 1. Declaration of Principles. The state shall at all times uphold the dignity and promote the welfare of all its migrant workers, whether documented or non-documented. It recognizes that OFWs are forced to seek employment abroad in order to survive in the face of the rising unemployment at home. Their continuing aggravated and disadvantaged position as job seekers in the exploitative employment market abroad places them in extremely vulnerable and distressing situations not only during natural and man-made calamities, but also as a consequence of employment policy changes in receiving countries. The State therefore endeavors to alleviate their situation by providing financial assistance which will hopefully help tide them over during their most difficult time.

Section 2. Financial Assistance for Distressed OFWs. The Financial Assistance for Distressed OFWs herein referred to shall mean a lump sum of ₱50,000 given to distressed OFWs within seven days after filing of application.

Section 3. Distressed OFWs. Distressed OFWs shall refer to all Filipino Nationals who lost their jobs and were forced by circumstances to return to the country. The term shall include but shall not exclusively mean those who have been sexually abused, those who have run away from their employers, those who have been repatriated from host countries hit by natural and man-made calamities, including civil disorders, those who have sought refuge at Welfare Centers and those who have been found stranded anywhere in host countries where they intended to seek employment, whether documented or non-documented.

Section 4. Implementing Agency and Funding. The Overseas Workers Welfare Administration (OWWA) is hereby tasked to implement this Act. The Financial Assistance for Distressed OFWs as provided for in this Act shall form part of the OWWA program package for Distressed OFWs and shall be charged against the funds of the agency.

Section 5. Penalties. Any employee found to have caused the delay of the release of the Financial Assistance for Distressed OFWs within seven (7) days after filing of application shall be subject to the penalties ranging from 90-day suspension to dismissal from the service with disqualification to hold any appointive public office for five years as determined in the Implementing Rules and Regulations.

Section 6. Implementing Rules and Regulations. The Implementing Rules and Regulations for this Act shall be issued by OWWA within six months after approval of this bill.

Section 7. Repealing Clause. All other laws, decrees, rules and regulations, orders, issuances inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 8. Effectivity Date. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation in the Philippines.