

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5501



Introduced by **Rep. Winston "Winnie" Castelo**

EXPLANATORY NOTE

A compelling article authored by Merlin M. Magallona entitled, "Options for Legislation" which appeared in Policy Options, a journal published by Integritas, Inc. in its November 2010 issue prompted the draft of herein proposed measure.

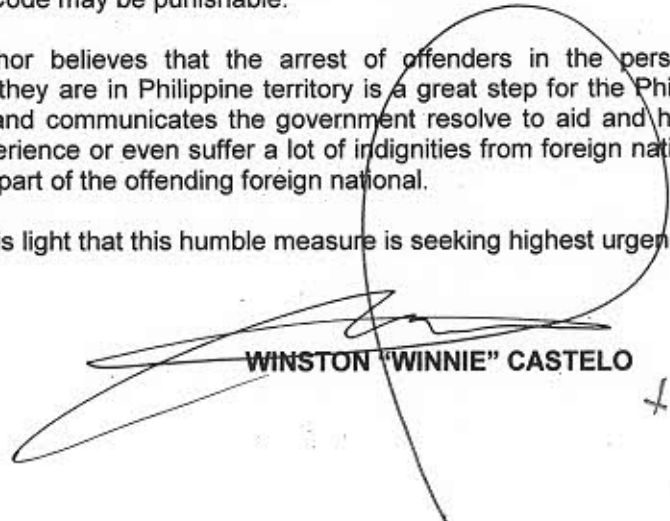
In effect, this bill sees beyond Article 2 of the Revised Penal Code that defines the application of the provisions of the Code as may have been now found to have been overtaken by contemporary developments since Republic Act No. 3815 or "An Act Revising the Penal Code and other Penal Laws" is signed into law since December 8, 1930.

Maybe, nothing by way of legislative action has yet been done that addresses possibly fundamental limitation as it concerns extra-territorial criminal jurisdiction where it now concerns an important sector of Philippine society whom the Philippine government has tagged as 'modern day heroes' since they buoy up the national economy by their dollar remittances.

This bill seeks to promote the best interests of Overseas Filipino Workers who now may have become victims of various forms of criminal acts that may have been perpetuated by their foreign-based employers or foreign nationals but which under our Revised Penal Code may be punishable.

The author believes that the arrest of offenders in the persons of foreign nationals when they are in Philippine territory is a great step for the Philippine criminal justice system and communicates the government resolve to aid and help our Filipino OFWs who experience or even suffer a lot of indignities from foreign nationals as if with impunity on the part of the offending foreign national.

It is in this light that this humble measure is seeking highest urgency.


WINSTON "WINNIE" CASTELO

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AN ACT
SPECIFYING ONE MORE EXCEPTION UNDER ARTICLE 2 OF THE REVISED
PENAL CODE ON EXTRA-TERRITORIAL CRIMINAL JURISDICTION THEREBY
PROVIDING ADDED PROTECTION TO OVERSEAS FILIPINO WORKERS AND FOR
OTHER PURPOSES

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

SECTION 1. This Act shall be known as the "Added Protection to Overseas Filipino Workers Act of 2011".

SEC. 2. In addition to five specified cases criminal jurisdiction extends beyond Philippine territory under Article 2 of the Revised Penal Code, there shall be specified one more exception on extra-territorial criminal jurisdiction, namely, that:

"In case a foreign national commits an act against an Overseas Filipino Workers in his state of employment or anywhere else outside the Philippines, provided the act constitutes an offense under the Revised Penal Code, the offender should be arrested when present in Philippine territory and prosecuted under the Code" and provided further that:

"The legal process affecting the offender may reach into his/her assets which are within Philippine territory".

SEC. 3. All issuances, laws, decrees, orders, rules and regulations or parts thereof not consistent with this Act are hereby repealed or modified accordingly.

SEC. 4. This Act shall take effect thirty (30) days following its publication in the Official Gazette and in at least three (3) newspapers of general circulation.

Approved,