

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



SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2190

Introduced by
HON. ROY VILLAREAL SEÑERES of the OFW Family Party-List

EXPLANATORY NOTE

This bill seeks to put into practice three (3) very important provisions of the Constitution to wit:

1. Section 18, Article II, which states: "The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare."
2. Section 3, (first paragraph), Article XIII, which states: "The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all."
3. Section 14, Article XIII, which states: "The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation."

This bill adopts the declaration of basic policy of Republic Act No. 442 otherwise known as the Labor Code of the Philippines which states: "Article 3. DECLARATION OF BASIC POLICY. - The State shall afford protection to labor, promote full employment ensure equal work opportunities regardless of sex, race or creed, and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization, collective bargaining, securing of tenure, and just and humane conditions of work."

The Bill also seeks to particularize the general statement of Section 27 of Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act which states in part that: "the protection of the Filipino migrant workers and the promotion of their welfare, in particular, and the protection of the dignity and fundamental rights and freedoms of the Filipino citizen abroad, in general, shall be the highest priority concerns of the Secretary of Foreign Affairs and the Philippine Foreign Service Posts."

For a long time now, there is a general sentiment among members of the Filipino communities overseas as well as among families of OFWs in the home-front, about the gross inadequacy of the services of Philippine Embassies and Consulates-General, not only in logistics and financial resources but also in terms of gaping deficits in personal touch and

humanitarian concern and caring from the Heads of Missions themselves to provide genuinely sincere assistance to distressed Filipinos overseas in violation of the above- cited Constitutional and statutory provisions.

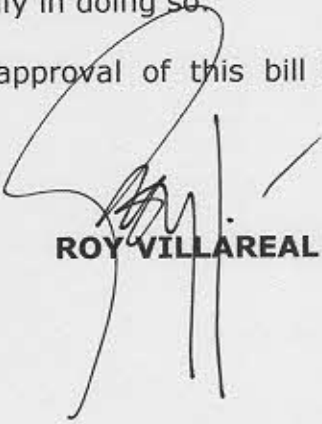
Lately, this deficit was demonstrated more resoundingly by the accusations emanating from wards or runaway Filipino domestic helpers who sought shelter in the Embassies in Kuwait, Kingdom of Saudi Arabia and Jordan. Filipino community leaders say that no less than subordinates of the Ambassadors in the said posts, and an Ambassador himself in one post preyed on their wards instead of protecting them, such as demanding sexual favors from the wards in exchange for plane tickets for their safe return to their loved ones in the Philippines.

We take off our hats to those who came out openly to make their ordeal known to the public, but reports persist that this has become widespread and prevalent also in other posts aside from the three above-mentioned. However, most of the victims chose not to complain for fear that their husbands may not be able to cope with and/or understand their situation; or of shaming their families back home.

These irregularities could be averted in the future if the Heads of Missions themselves, leading by example, would exercise the diligence of good parents of their families in taking care not only of the runaways but of all Filipinos working or residing in their areas of responsibility. With the Heads of Missions themselves personally spearheading all embassy efforts to protect or oversee the welfare of OFWs they will also be sending strong signals to Head of States or Governments of host states that the very bedrock and/or cornerstone of Philippine Foreign Policy is the protection and welfare of human beings, the Overseas Filipino Workers. And if foreign governments value our bilateral and diplomatic relations with them, they should see to it that our people are all treated fairly and well by all concerned during their sojourn to earn a living in host states.

This bill therefore seeks to require Heads of Missions to perform the role and/or discharge the duties and responsibilities of surrogate parents of all OFWs in their jurisdiction and correspondingly they must exercise the diligence of a good parent of a family in doing so.

In view of the foregoing, approval of this bill is most respectfully requested.



ROY VILLAREAL SEÑERES

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HOUSE BILL NO. 2190

Introduced by
HON. ROY VILLAREAL SEÑERES of the OFW Family Party-List

AN ACT
REQUIRING AMBASSADORS/HEADS OF MISSION TO PERFORM
AND/OR DISCHARGE THE DUTIES OF SURROGATE PARENTS IN
TAKING CARE OF OVERSEAS FILIPINO WORKERS (OFWs) IN THEIR
AREAS OF RESPONSIBILITY

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

SECTION 1. Title. – This Act shall be known and cited as the
“Surrogate Parents of OFWs and Migrant Filipinos Act 2013.”

SEC. 2. Declaration of Policy. – This Act is in furtherance of three
(3) relevant provisions of the Constitution, to wit:

1. Section 18, Article II, as State policy: “The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.”
2. Section 3, Article XIII, provides that: “The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.”
3. Section 14, Article XIII, which provides that: the State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.

This Act further adopts the declaration of basic policy of Presidential Decree No. 442 otherwise known as the Labor Code of the Philippines which states: "Article 3, DECLARATION OF BASIC POLICY. – The State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed, and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work."

Furthermore, this Act takes into cognizance the provision of Section 2, Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act, which mandates that the "highest priority concern of the Secretary of Foreign Affairs and the Philippine Foreign Services shall be the protection and welfare of Filipinos overseas."

SEC. 3. Definition of Terms. – As used in this Act, the following terms shall be defined as:

a). "Overseas Filipino Worker" shall refer to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a citizen, or on board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes, or on an installation located offshore or on the high seas; to used interchangeably with migrant worker;

b). "Host Country" refers to a country or state where overseas Filipinos are located or found;

c). "OFW in Distress" is a worker, regardless of membership status, who is in urgent need of assistance at post;

d). "Legal Resident" means a person who has obtained permanent residency status in accordance with the laws of the host country;

e) "Surrogate Parent" shall refer to mean a person that functions as a substitute for another, as in a social or family role;

SEC. 4. Ambassadors as Surrogate Parents of OFWs in their Areas of Responsibility. – In addition to the existing duties and

responsibilities of Ambassadors and/or Chiefs of Mission, they shall perform the role of surrogate parents of OFWs or Migrant Workers in their areas of responsibility. As such, they shall exercise the diligence of a good parent to all his children.

SEC. 5. Duties and Responsibilities of an Ambassador. - The duties and responsibilities of an Ambassador as surrogate parent are as follows:

- a). He shall personally visit jailed OFWs or migrant workers and provide them with legal and other forms of assistance;
- b). He shall personally attend to the problems of runaway housemaids, giving them words of comfort and assurances of his protection and support;
- c). He shall personally visit OFWs or migrant workers who are sick or injured and confined in hospitals or in their homes and provide them with appropriate assistance;
- d). He shall personally visit stranded seamen, provide them with food, legal and other forms of assistance;
- e). He shall communicate directly with the families of all the above and inform them of their conditions, furnishing the Department of Foreign Affairs of his reports;
- f). In cases of jailed Filipinos especially those undergoing trial which might entail a life or death sentence, he must verify the background of the accused Filipino by communicating with his parents, school teachers, the Mayor and/or Barangay Chairman of his place of residence and request them if the jailed Filipino is deserving of a sworn certificate from them of good moral character or a clean police record and if so, for him to submit said certificates to the foreign court having jurisdiction over the jailed Filipino for whatever it may be worth in alleviating the predicament of the jailed Filipino;
- g). He must befriend and pay regular visits to the host country's Secretaries of Labor, Justice, and Interior, and Foreign Affairs including the Chief Justice, the Court Administrator, the Chief of Immigration and the Chief of Police;

h). He must communicate with the Department of Social Welfare and Development (DSWD), the Overseas Workers Welfare Administration (OWWA), and the Department of Labor and Employment (DOLE) to inquire into the status of the family of all of the above distressed OFWs and to request food and/or financial assistance for them while their situations remain unsolved;

i). He may delegate some of the above duties to his consuls or labor attaches and welfare officers if the cases are too numerous for him to personally handle but as a gauge of his job performance he should report to his home office his substantial compliance with the above personally.

SEC. 6. Highest Priority Concern of the Philippine Foreign Service. – All Ambassadors and Heads of Mission shall remind themselves and comply at all times with the mandate of Section 27 of Republic Act No. 8042 that the highest priority concerns of the Secretary of Foreign Affairs and the Philippine Foreign Service Posts shall be the protection and the promotion of the welfare of Filipinos overseas, in particular, and the protection of their dignity, fundamental rights and freedom in general. Being the highest priority concerns, it is veritably the very cornerstone or bedrock of Philippine Foreign Policy. As such there is no better way to convey this to the host country with the Ambassador and/or Chief of Mission himself personally discharging the duties as provided in Section 5 hereof. The message that he should be able to convey should be loud and clear that if the host country values our bilateral diplomatic relations or would want to strengthen them, it should see to it that all concerned treat our people justly, humanely, fairly and with respect.

SEC. 6. Penal Clause. – Non-compliance with Section 5 hereof, shall cause the recall of the Ambassador and after due process, his disqualification to hold any position in the Department of Foreign Affairs (DFA) and the Foreign Service without prejudice to any case that may be filed against him for dereliction of duty.

SEC. 7. Repealing Clause. - All laws, decrees, executive orders, issuances, rules and regulations which may be inconsistent with any of the provisions of this Act, are hereby deemed repealed, amended or modified accordingly.

SEC. 8. Effectivity. - This Act shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

Approved,