

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3133



Introduced by:
Gabriela Women's Party Reps. **LUZVIMINDA C. ILAGAN** and **EMMI A DE JESUS**

EXPLANATORY NOTE

When this bill was first filed in the 15th Congress, it mainly trained its concern on the situation in the Middle East and North Africa where violent civil unrest and the labor nationalization of domestic work among Arab countries were taking place, endangering some 2.1 million OFWs who faced not only getting caught in the crossfire but also being dislocated and deported. Two years after, the political situation in MENA has not improved while events have rolled outside of these regions which underscore the importance of this bill necessitating its immediate enactment.

While North Africa has remained a tinderbox of political instability¹, the labor nationalization policy in the Middle East has graduated into a full-blown crackdown. In Saudi Arabia, the crackdown assumed the form of house-to-house searches to flush out undocumented foreign workers, forcing some 6,000 Filipinos to put up tent cities in Philippine posts and embassies in Riyadh and Jeddah to escape the Saudi police

Elsewhere, beset with high unemployment, Japan and South Korea have lately followed suit in implementing more stringent labor migration rules. It is estimated that roughly 100,000 Filipinos will be affected by this new tight-fisted approach on migrant labor in these two countries. The mass deportation of undocumented Filipinos already started in Japan early this year when Japanese authorities forcibly hauled 40 Filipinos from their shelters and unceremoniously flew them back to Manila².

Indeed, never have recent global developments so gravely challenged the country's labor export policy as an employment generation strategy. Even Europe and the United States are also in the thick of clamping down hard on migrant labor to stem the tide of high unemployment in their economies and to ease the pressure on their welfare obligations. It is estimated that these developments, as they occur in multiple fronts, will altogether affect some 3.5 million Filipinos facing the threat of sudden termination of their employment contracts and involuntary repatriation.

¹There are still periodic eruptions of civilian uprisings in Egypt and Tunis. Libya had installed a transition government but the country is yet to restore order as roving fully-armed militias compete with one another in carving their own political turfs, paying little regard to the central authority. Syria continues to be riven by a civil war whose end is nowhere in sight. In June this year, the political unrest even spread to Turkey.

²This has been the subject of House Resolution No. 95, authored by the undersigned, calling for a congressional investigation.

It is this situation that this bill seeks to address and is, hereby, re-filed.

When the first trickles of repatriation occurred two years ago following the explosion of political unrests in the Middle East, the Department of Labor and Employment was reported to have distributed a financial grant of P10,000 to each OFW returnees of Region 10. The Overseas Workers Welfare Administration did the same thing when OFWs started returning to the country from Libya. But as the financial grant was not mandatory, not all returning distressed OFWs received the amount and nothing has been heard of this DOLE/OWWA initiative since then. Moreover, the amount of the financial grant was 'too modest' to be of help to the distressed OFWs who were mostly not paid of their salaries in their host countries and came home to a pile of debts.

Under Republic Act No. 8042 or the 'Migrant Workers and Overseas Filipinos Act of 1995', as amended by RA 9422 and RA 10022, the government is mandated to formulate and implement welfare and social services programs for OFWs. Unfortunately, the welfare and social services programs that are mentioned in RA No. 8042 contemplated only of good weather situation of OFWs. RA 8042 has no provision for services and programs for distressed OFWs who find themselves in crisis situations and are forced to leave their host countries because of natural or man-made calamities or for any reason other than the termination of their work contract.

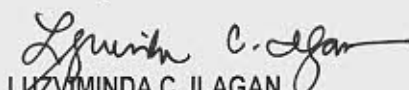
The OWWA collects USD \$25 (approximately equivalent to P1,000) denominated as "contributions" per contract from each OFW who leaves the country. This is compulsorily exacted from each OFW even though the OFW is yet to earn his/her pay and regardless of how much pay he/she is to receive in working abroad. But for every P10 that OWWA spends, only P .60 centavos go to the welfare and services programs for OFWs. The rest are spent for the operational expenses and investment programs of OWWA. Other welfare services and expenses, including emergency assistance, are subject to approval by the OWWA Board as per the OWWA Omnibus Policies enacted in 2003. The OWWA Omnibus Policies also effectively limited the services and welfare assistance being provided by the agency only to OFWs who have active contracts and paid membership dues/contributions to OWWA.

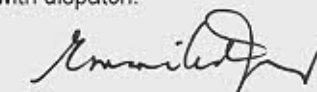
Because of these, distressed OFWs who were forcibly repatriated or evacuated due to crisis situations, or those who have gone undocumented due to conditions and situations out of their control (i.e. victims of trafficking, illegal recruitment), are not guaranteed emergency financial assistance and benefits from the government – a clear violation of the very mandate of RA 8042, as amended by RA 9422 and RA 10022.

Political analysts are of the observation that given the shaping political configuration in the Middle East and the persistent aftershocks of the 2007 global economic crisis in the major capitalist countries, it will take a long while before the foreign labor market will settle down back to normalcy. This brings home the incalculable risks that attend the labor export policy of the government that are now bearing down on our OFWs.

It is, therefore, an imperative that the country must have a program that will provide a lifeline of relief and support for distressed OFWs, regardless of whether they are documented or not.

On these grounds, it is earnestly sought that this bill be approved with dispatch.


LUZVIMINDA C. ILAGAN
Gabriela Women's Party


EMMI A. DE JESUS
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HOUSE BILL NO. **3133**

Introduced by:

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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 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 tide them over during their most difficult time.

Section 2. Financial Assistance for Distressed OFWs and Schedule of Release—The Financial Assistance For Distressed OFWs shall be in the amount of Fifty Thousand Pesos (P50,000) to be released to each distressed OFW within seven (7) days after the filing of application. The minimum requirement for filing of application shall be the OFW's passport or any travel document, as proof of his/her country of origin and date of arrival.

Section 3. Distressed OFWs – Distressed OFWs shall refer to all Filipino Nationals, whether documented or non-documented, who lost their jobs and were forced by circumstances to return to the country. The term shall include, but is not limited to, those who have been victims of human trafficking and/or illegal recruitment, those who have been sexually abused, those who have been maltreated or undergone slave-like conditions or involuntary servitude, 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.

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 be charged against the funds of the agency and shall form part of the OWWA program package for distressed OFWs, independent and separate from the existing OWWA livelihood and starter kit packages that are optional for returned OFWs.

Section 5. Penalties – Any employee of the government found to have caused the delay of the release of the Financial Assistance for Distressed OFWs within the schedule mentioned in Section 2 of this Act shall be subject to the penalties as follows:

- a. If the employee who caused the delay is the supervisor or head or any equivalent capacity, he/she shall be proceeded against in accordance with Section 11 (a) of the Republic Act 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees’;
- b. In all other cases, the penalties shall be as follows:

First offense – 90 days suspension

Second offense – 120 days suspension

Third offense – dismissal from service

Section 6. Implementing Rules and Regulations – The OWWA shall issue the Implementing Rules and Regulations for this Act within three months after the approval of this bill.

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

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