

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

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3576

Introduced by
OFW Family Party-List Representative ROY V. SEÑERES

EXPLANATORY NOTE

This bill is in furtherance of relevant provisions of the Constitution, and the Family Code of the Philippines, to wit:

1. Section 12, Article II, of the Constitution states: "The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government."
2. Section 1, Article XV, of the Constitution provides: "The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development."
3. Section 3, (2) of the same article which says: "The State shall defend: (2) The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development."
4. Article 149 of the Family Code states that: "The family, being the foundation of the nation, is a basic social institution which public policy cherishes and protects. Consequently family relations are governed by law and no custom, practice or agreement destructive of the family shall be recognized or given effect."
5. Article 194 of the Family Code states: "Support comprises everything indispensable for sustenance, dwelling, clothing, medical attendance, education and transportation, in keeping with the financial capacity of the family."

The education of the person entitled to be supported referred to in the preceding paragraph shall include his schooling or training for some profession, trade or vocation, even beyond the age of majority. Transportation shall include expenses in going to and from school, or to and from place of work."

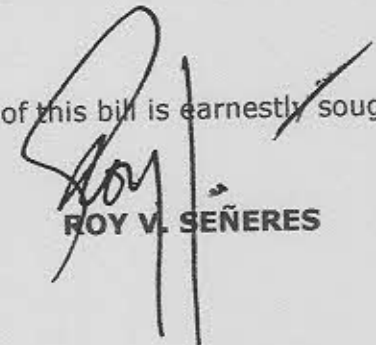
6. Article 195 of the Family Code states: "Subject to the provisions of the succeeding articles, the following are obliged to support each other to the whole extent set forth in the preceding article:

- (1) The spouses;
- (2) Legitimate ascendants and descendants;
- (3) Parents and their legitimate children and the legitimate and illegitimate children of the latter;
- (4) Parents and their illegitimate children and the legitimate and illegitimate children of the latter, and
- (5) Legitimate brothers and sisters, whether of the full or half-blood."

As more Filipinos work overseas, the necessary consequence is for them to leave behind their families in the Philippines. Filipinos primarily go to work abroad in order to provide for the needs of their family. They leave behind their family in the hope of earning and saving for their future. However, there have been reports of families or dependents of OFWs who have complained of the failure of their OFW relatives to send support to them. This is particularly true for many families of land-based OFWs since there is no law or rules and regulations which require them to remit a portion of their foreign exchange earnings to their families in the Philippines.

Recognizing that the State also needs to protect the welfare of the families or dependents of OFWs who have been neglected and abandoned by their OFW relatives, this measure aims to mandate our OFWs to remit or send a portion of their foreign exchange earnings to their family or dependents in the Philippines. In order to secure the solidarity of the family and the protection of children, this measure seeks to address the unfortunate experiences of families or dependents of OFWs who do not receive the financial support that they are entitled to under existing laws. For this reason, it also seeks to authorize Ambassadors, Consul Generals, Chiefs of Missions or Charge d' Affairs to order and direct an overseas Filipino worker (OFW) to send support to his or her legal dependents as required by existing laws.

In view of the foregoing, approval of this bill is earnestly sought.



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AN ACT
AUTHORIZING AMBASSADORS, CONSUL GENERALS, CHIEFS OF
MISSIONS OR CHARGE D' AFFAIRS TO ORDER AND DIRECT AN
OVERSEAS FILIPINO WORKER (OFW) TO SEND SUPPORT TO HIS
OR HER LEGAL DEPENDENTS AS REQUIRED BY EXISTING LAWS

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

SECTION 1. *Remittance of Foreign Exchange Earnings.* - Overseas Filipino Workers (OFWs), whether sea-based or land-based are required to remit regularly a portion of their foreign exchange earnings to their family or legal dependent recipient in the Philippines through the Philippine banking system or any authorized credit unions, money transfer operators or through the postal mail. Private employment agencies and other entities authorized by the Philippine Overseas Employment Administration (POEA) to recruit Filipino workers for overseas employment are similarly required to assist OFWs in the remittance of their foreign exchange earnings as provided for in this Act.

SEC. 2. *Obligations and Duties of Overseas Filipino Workers.*
- It shall be the obligation and duty of every OFW to continue to observe and respect the laws, customs, traditions and practices of the Philippines wherever they may be. It shall also be the obligation and duty of every OFW to provide material or financial and moral support to one's family or dependent in the Philippines during the period of overseas employment.

SEC. 3. **Designated Recipient of Support.** –The designated recipient of support of the OFW shall be one of those entitled to support from the OFW under existing laws. The designation of a recipient or dependent shall be in accordance with the enumeration in Article 195 of Executive Order No. 209, otherwise known as the "*Family Code of the Philippines*" which pertains to those who are obliged to support each other.

SEC. 4. **Proof of Remittance.** – For purposes of this Act, proof of compliance with the mandatory remittance requirement as mentioned in Section 1 hereof, may consist of any of the following documents showing that the OFW had in fact effected the aforesaid remittance to his or her designated recipient or dependent:

- a) Confirmed bank (foreign) remittance receipt;
- b) Receipt of International Postal Money Order;
- c) A Sworn Statement from the dependent that said support has already been satisfied and/or settled;

SEC. 5. **Ambassadors, Consul Generals, Chiefs of Mission or Charge d' Affairs Authorized to Withhold Renewal or Approval of Passport.** – Passports issued to OFWs may be renewed by the Department of Foreign Affairs (DFA) upon submission of the usual requirements and presentation of documentary proof of compliance to the remittance requirement provided for in this Act. Upon receipt of a duly notarized Complaint for Support from any OFW dependent, which sworn statement duly authenticated by the Mayor or Governor of the dependent's place of residence, Ambassadors, Consul Generals, Chiefs of Mission or Charge d' Affairs are authorized to withhold the renewal or approval of the passport of an erring OFW unless proof of compliance of the remittance requirement of his financial support is submitted.

SEC. 6. **Implementing Rules and Regulations.** – Within sixty (60) days from the effectivity of this Act, the Secretary of the Department of Foreign Affairs (DFA) in consultation with the Secretary of the Department of Labor and Employment (DOLE), the Administrator of the

Philippine Overseas Employment Administration (POEA), the Administrator of the Overseas Workers Welfare Administration (OWWA), shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 7. ***Non-impairment Clause.*** – Nothing in this Act shall be construed to diminish, impair or repeal the rights granted to OFWs under existing laws, rules and regulations.

SEC. 8. ***Separability Clause.*** – If any provision or part of this Act is declared unconstitutional or invalid, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 9. ***Repealing Clause.*** – All laws, decrees, ordinances, rules and regulations and other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

SEC. 10. ***Effectivity Clause.*** – This Act shall take effect fifteen (15) days after publication in the *Official Gazette* or in two (2) national newspapers of general circulation.

Approved,