

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

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4004



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

EXPLANATORY NOTE

This bill seeks to strengthen the right to travel of every Overseas Filipino Worker (OFW).

The right to travel is guaranteed by the Fundamental Law. It is absolute except when the interest of: a) national security; b) public safety or; c) public health is at stake. Section 6, Article III of the Constitution providing *inter alia*: "Neither shall the right to travel be impaired except in the interest of national security, public safety and public health, as may be provided by law."

Overseas Filipino workers (OFWs) are the modern-day heroes of today. They do not deserve to be punished, inconvenienced or annoyed when seeking to exercise their right to travel to foreign countries to find golden opportunities for the sake of their loved ones.

As we all understand, money is the lifeblood of the economy. To this, the OFWs' yearly contribution to the coffers of the government to the tune of 22 billion U.S. dollars need not be over emphasized. It has afforded the Philippine economy a "lifeblood transfusion" for its economic survival way back in 70's when our country was then referred to as the "SICK MAN OF ASIA".

In recognition of the inviolability of the right to travel of every Filipino citizen, Republic Act No. 8239 otherwise known as the Philippine Passport Act of 1996 declares in Section 2 thereof: "The people's right to travel shall be inviolable."

The pronouncement of R.A. No. 8239 as regard the inviolability of the right to travel is more than enough caution not to put hindrance or restriction in any form to the exercise of the right to travel save when the interest of national security, public safety or public health so require and as may be provided by law as required by the Constitution.

In other words, the passage of a law providing for the restrictions is condition sine qua non. Unless there is such a law the right to travel is paramount and absolute. The restraint should not be done in the guise of forced or compulsory contribution as this will constitute unlawful restraint in disguise. To do

so would subject a departing OFW to inconvenience and annoyance who has no choice but to comply or else would not be allowed to travel.

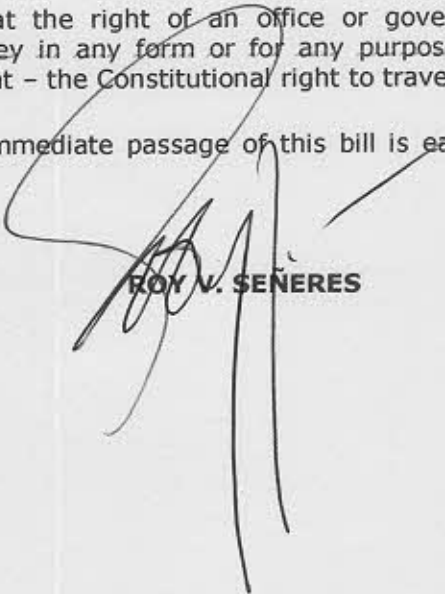
In the language of the Supreme Court in the case of Salonga vs. Hermoso, 97 SCRA 121, "It is desirable that respondent Travel Processing Center should exercise the utmost care to avoid the impression that certain citizens desirous of exercising their right to travel could be subjected to inconvenience or annoyance."

We should not lose sight of the fact that OFWs are forced to leave the country, **not for pleasure**, but to work in a foreign land for the sake of their loved ones. We cannot simply close our eyes to the reality that before they leave the country to work abroad, most if not all OFWs are already burdened with huge indebtedness. Sometimes they would even sell their properties or personal belongings, just to finance their trip.

The Philippine Overseas Employment Administration (POEA) being the agency mandated by law to, "afford protection to Filipino workers and their families, promote their interests and safeguard their welfare", cannot ignore the fact that the Overseas Employment Contract between the foreign employer and the OFW includes provisions which take care of the health and welfare of the OFW.

It is respectfully submitted that the right of an office or government agency to collect any amount of money in any form or for any purpose must necessarily yield to a more superior right - the Constitutional right to travel.

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



ROY V. SEÑERES

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

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4004

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

AN ACT
PROHIBITING THE COLLECTION OF ANY AMOUNT OF MONEY IN
ANY FORM OR FOR ANY PURPOSE FROM A DEPARTING FILIPINO
WORKER AS PRE-CONDITION FOR TRAVEL

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

SECTION 1. **Title.** – This Act shall be known as the "OFW Travel Protection Act of 2014."

SEC. 2. **Declaration of Policy.** – It shall be unlawful to impose, exact or collect any sum of money in any form and for any purpose from a departing overseas Filipino worker (OFW) as a pre-condition for travel except those authorized by law.

SEC. 3. **Duty of the Philippine Overseas Employment Administration (POEA).** It shall be the duty of the Philippine Overseas Employment Administration (POEA) to strictly observe and implement the provisions of this Act pursuant to its mandate to "afford protection to Filipino workers and their families, promote their interests and safeguard their welfare."

SEC. 4. **Assistance of Law Enforcement Agency.** – When necessary the POEA may enlist the assistance of any law enforcement agency in order to effectively implement the provisions of this Act and

carry out its mandate of protecting and promoting the welfare of Filipino workers.

SEC. 5. ***The POEA to File Appropriate Action.*** – The POEA shall initiate the filing of appropriate criminal complaint in the Department of Justice (DOJ) or any law enforcement agency, against any individual, juridical entity, its officers and personnel who violate the provisions of this Act. In case of juridical entity, the officers thereof are presumed to have consented to the violation.

SEC. 6. ***Implementing Rules and Regulations.*** – The incumbent POEA Administrator shall promulgate the necessary rules and regulations for the effective implementation of this Act within thirty (30) days from date of its effectivity.

SEC. 7. ***Penal Clause.*** – Any violation of Sections 2, 3 and 4 of this Act shall, after due process, cause the removal from office of the guilty party without prejudice to the filing of any case, civil and criminal, against them by the POEA or the offended party.

SEC. 8. ***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. 9. ***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,