

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. **5704**

Introduced by
BAYAN MUNA Rep. Neri Colmenares, BAYAN MUNA
Rep. Carlos Isagani Zarate, GABRIELA Women's Party Rep. Luz Ilagan, ACT Teachers
Party-List Rep. Antonio Tinio, GABRIELA Women's Party Rep. Emmi de Jesus,
ANAKPAWIS Rep. Fernando Hicap, and KABATAAN Rep. Terry Ridon

AN ACT APPROPRIATING THE SUM OF FIVE HUNDRED MILLION PESOS
(P500,000,000) AS LEGAL ASSISTANCE FUND
FOR OVERSEAS FILIPINO WORKERS IN DISTRESS FOR FY 2015

EXPLANATORY NOTE

The case of Mary Jane Veloso, a 30-year old mother of two from Nueva Ecija, who was charged with smuggling of illegal drugs and sentenced to die in Indonesia, mirrors the tragedy of many overseas Filipino workers who, in seeking better job opportunities abroad, become victims of human and drug trafficking and other forms of exploitation.

Veloso is one of the 6,000 Filipinos who go abroad daily to search for decent employment as government's 'foreign investor-led development' has only fueled increasing unemployment in the country. The Overseas Filipino Workers (OFWs) have become the highest income generator for the country, whose personal remittances in 2014 set an all-time high for the Philippines at \$26.93 billion according to the Banko Sentral ng Pilipinas.

Yet, the contribution of OFWs to the country's economy does not seem to be reciprocated by the government's support and attention to their plight. Based on reports from Migrant International, many OFWs are subjected to different kinds of abuse or suffer inhumane conditions in the places they work. The lucky ones are able to come back home, but those unlucky ones may end up killed or locked up in jail, and also get to die if sentenced to death.

Based on reports and claims of Veloso's family, Veloso was not provided with timely and adequate government assistance. Despite their efforts and requests to the Philippine Department of Foreign Affairs (DFA) since 2010, Veloso was not provided with a lawyer or translator by the Philippine government since her interrogation by the Indonesian police until the end of the trial. It was only after Mary Jane was sentenced to death that the Philippine embassy availed of the services of Indonesian law firm Rudyantho & Partners (R&P). In fact, a strong evidence of government's lack of concern for the Veloso's case was its failure to investigate and prosecute

alleged recruiter Cristina Sergio since 2010. The government only responded when public outrage escalated.

Philippine Embassies abroad claim that lack of funds makes it difficult for government to provide legal services to Filipinos abroad undergoing trial. Some members of Congress have pressed for bigger budget for the legal assistance fund as a result of this claim, but the budget continues to allocate very little funds for OFWs.

Various laws have appropriated millions of pesos for legal assistance of OFWs like Veloso. The Migrant Workers' Act of 1995, as amended by RA 10022, provided for P100 Million legal assistance fund (LAF), which shall "be used exclusively to provide legal services to migrant workers and overseas Filipinos in distress..." which "shall include the fees for the foreign lawyers to be hired by the Legal Assistant for Migrant Workers Affairs to represent migrant workers facing charges or in filing cases against erring or abusive employers abroad, bail bonds to secure the temporary releases and other litigation expenses." Republic Act No. 10651 or the FY 2015 General Appropriations Act likewise provided P100 Million Legal Assistance Fund under the budget allotment for the DFA.

With about 88 Filipinos facing death penalty abroad, mostly in China and Malaysia, according to the Department of Foreign Affairs (DFA), and at least 7,000 OFWs in jails abroad according to Migrante, there is a need to ensure that there is adequate fund for the Legal Assistance Fund and that this fund is actually used to assist our OFWs.

However, President Benigno Aquino III, in his Veto Message dated December 23, 2014, conditionally vetoed Special Provision Section 11 Legal Assistance Fund of the DFA: "the appropriations in this Act clearly suggest the lack of income sources to justify the creation of a special fund". This means that there will be no fund allocation for the legal assistance of OFW unless somebody identifies a specific source of fund.

The bill aims to provide a supplemental fund of P500 Million pesos for legal assistance fund for FY 2015 to counter act the veto of Pres. Aquino and ensure that those languishing in jails, especially those in death rows, will be given a chance to avail of legal services while being charged in a hostile environment abroad. This amount will roughly cover some 1,100¹ OFWs in jails abroad.

It is the government's responsibility to provide timely and adequate legal assistance to OFWs in distress. By passing this bill that will ensure that funds are readily available for the legal needs of our OFWs in distress, we can save more OFWs' lives.

Hence, support for this bill is earnestly sought.

Approved,

¹ Based on per case average of P450,000 in legal fees, according to Senate finance subcommittee chairperson Loren Legarda, <http://archive.sunstar.com.ph/manila/local-news/2014/11/26/binay-seeks-p100-m-increase-ofws-legal-assistance-fund-378692>, cited on April 29, 2015.



Rep. NERI J. COLMENARES
Bayan Muna Party-list



Rep. CARLOS ISAGANI T. ZARATE
Bayan Muna Party-list



Rep. LUZVIMINDA C. ILAGAN
Gabriela Women's Party



Rep. ANTONIO L. TINIO
ACT Teachers Party-list

Rep. EMMI A. DE JESUS
Gabriela Women's Party



Rep. FERNANDO HICAP
Anakpawis Party-list



Rep. TERRY RIDON
Kabataan Party-list

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

SECTION 1. Appropriations.—The sum of five hundred million pesos (P500,000,000) is hereby appropriated as supplemental budget for the Legal Assistance Fund for overseas Filipino workers in distress for the FY 2015.

SECTION 2. Use and Release of Funds.—The amount appropriated shall be released by the Department of Budget and Management (DBM) to the Department of Foreign Affairs (DFA) in accordance with budgeting rules, laws and regulations to be used exclusively to provide legal services to migrant workers and overseas Filipinos in charged with crimes abroad, in accordance with the guidelines, criteria and procedures promulgated in accordance with Section 26 of Migrant Workers and Overseas Filipinos Act as amended by Republic Act 10022. Expenditures charged against Legal Assistance Fund shall include fees for the foreign lawyers to be hired by the Legal Assistant for Migrant Workers Affairs to represent migrant workers facing charges or in filing cases against erring or abusive employers abroad, bail bonds to secure the temporary releases and other litigation expenses.

SECTION 3. Availability of Appropriations. The amount authorized in this Act shall be available for release and obligation for the purposes specified for one (1) year from the date of effectivity of this Act.

SECTION 4. Transparency Provision. The Department of Foreign Affairs shall include in its report to Congress, at the end of the year, as provided for under Section 33 of Republic Act 8402 Migrant Workers and Overseas Filipinos Act, as amended, the status of the Legal Assistance Fund, including the expenditures from the said fund duly audited by the Commission on Audit (COA). Provided, further, that the DFA shall ensure that the details of the legal assistance including the nature of assistance and amount paid are included as part of the

information posted under their transparency seals under Section 98 of Republic Act No. 10651 or the FY 2015 GAA.

SECTION 5. *Separability Clause.* – If, for any reason or reasons, any part of this Act shall be declared as unconstitutional or invalid, the other parts or provisions hereof which are not affected hereby shall continue to be in full force and effect.

SECTION 6. *Effectivity.* This Act shall take effect immediately upon its publication.

Approved,