

SIXTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. 6201

EXPLANATORY NOTE

Under Republic Act No. 8239, otherwise known as the "Philippine Passport Act of 1996," a passport is a document issued by the Philippine government to its citizens, the issuance of which is equivalent to a request to other governments to allow Philippine citizens to pass safely and freely, and in case of need, to give them lawful aid and protection. More importantly, a passport is a proclamation of the citizenship of a Filipino; hence, it is a document superior to all other official documents such that the unauthorized withholding or retention of a passport brings untold hardships to its holder whose mobility and capacity to transact are greatly impaired.

Many of our Overseas Filipino Workers (OFWs) suffer from this unfair act as their passports are withheld or retained either by their recruitment agencies here in the Philippines or by their employers overseas, for various reasons. The unauthorized withholding of passports of our OFWs is a form of coercion that needs to be criminalized in order to afford full protection to our OFWs, who we consider to be our modern-day heroes.

In recognition of the unique situation faced by our OFWs, this bill provides for its extraterritorial application and a mechanism for any person who has personal knowledge of the commission of any offense under this Act to file the appropriate complaint. With these two mechanisms in place, our OFWs and their respective families would not be left without a remedy to enforce their rights under the law.

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


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

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AN ACT

**PROVIDING FOR THE CRIME OF "ILLEGAL WITHHOLDING OF PASSPORT" AND A
MECHANISM FOR ITS PROSECUTION, AND FOR OTHER PURPOSES**

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

Section 1. Short Title. - This Act shall be known as the "Illegal Withholding of Passport
Act of 2015."

Section 2. Declaration of Policy. - It is hereby declared a policy of the State to protect the
rights and promote the welfare of every person, especially the Overseas Filipino Worker
(OFW). Towards this end, the State shall endeavor to protect the OFW from all threats and
coercion done through the confiscation, retention, or withholding of the OFW's Philippine
passport, which is considered the property of the State.

Section 3. Definition of Terms. - As used in this Act, the following terms shall mean:

(a) "Overseas Filipino worker" or "OFW" refers to a person who 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 be used
interchangeably with migrant worker; and

(b) "Applicant worker" refers to a person who is in the process of applying as an OFW.

Section 4. Prohibited Act. - Any person who confiscates, retains, or withholds, without any
legal authority, any valid Philippine passport issued to an OFW shall be guilty of the crime of
"Illegal Withholding of Passport"; Provided that, the act of withholding or denying passports
or travel documents from applicant workers before departure, for monetary or financial
considerations, or for any other reasons, other than those authorized under the Labor Code
and its implementing rules and regulations, shall continue to be considered as "illegal
recruitment" and be penalized as such crime under Section 6 (k) and Section 7, respectively,
of Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos
Act of 1995, as amended by Republic Act No. 10022.

Section 5. Penalties and Sanctions. -

a. Any person found guilty of the crime of "Illegal Withholding of Passport" under Section 4 of
this Act shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day
but not more than twelve (12) years, and shall pay a fine of not less than One Million Pesos
(P1,000,000.00) but not more than Two Million Pesos (P2,000,000.00);