

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. 8197



Introduced by HON. LINABELLE RUTH R. VILLARICA
4th District, Bulacan

EXPLANATORY NOTE

Official data from the Philippine Overseas Employment Agency's (POEA) show that in CY 2015, there were 1.844 million Overseas Filipino Workers (OFWs) all over the globe. This grew to 2.116 million in CY 2016, and in CY 2017, the Survey on Overseas Filipinos estimated that the number increased to 2.3 Million.

The data culled over the years evidently show the steady increase in the number of Filipinos going overseas to work. Regrettably though, alongside the rise in this number is also an upsurge in the incidence of human trafficking, illegal recruitment, and inhumane treatment and abuse by their employers of our modern-day heroes.

Various legislations have tried to curb these problems and to protect our migrant workers, among which are Republic Act No. 9208, or the Anti-Trafficking in Persons Act of 2003, and Republic Act No. 8042, or the Migrant Workers and Overseas Filipinos Act, but the persistence of these problems up to present time makes evident the need to strengthen our laws and to provide more assistance, especially in the field of social welfare, to our OFWs.

Executive Order No. 287, Series of 2004 required the deployment/posting of social welfare attaches to Philippine Foreign Posts with large concentration of OFWs. This sought to enable social welfare attaches to establish networks with overseas-based social welfare agencies, individuals and groups which maybe mobilized to assist in the provision of appropriate social services, and to respond to the problems and complaints/queries of OFWs and their families.

Despite the significant role of social welfare attaches in providing assistance to our overseas workers, their permanent posting and/or deployment, however, has not been institutionalized and legislated to date. Thus, this proposed bill seeks to institutionalize such attaches as a permanent component of the country's foreign posts.

Support for the enactment of this measure is earnestly sought.

A handwritten signature in black ink, appearing to read 'Linabelle Ruth R. Villarica'.

LINABELLE RUTH R. VILLARICA

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AN ACT
ESTABLISHING THE OFFICE FOR SOCIAL WELFARE ATTACHE, AMENDING
FOR THE PURPOSE REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS THE
MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT OF 1995, AS AMENDED,
AND FOR OTHER PURPOSES

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

SECTION 1. Section 2, paragraph (b) of Republic Act No. 8042, as amended, is hereby amended to read as follows:

“(b) The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. Towards this end, the State shall provide adequate and timely social, economic and legal services to Filipino Migrant Workers, ESPECIALLY SINCE THESE WORKERS ARE VULNERABLE TO EXTREME PHYSICAL, EMOTIONAL AND PSYCHOLOGICAL STRESS.”

SEC. 2. A NEW PARAGRAPH (e) IS HEREBY INSERTED IN Section 23 of Republic Act No. 8042, as amended, to read as follows:

“(E) DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT – THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT SHALL DEPLOY SOCIAL WELFARE ATTACHES TO MANAGE CASES OF OVERSEAS FILIPINO WORKERS NEEDING PSYCHOSOCIAL SERVICES AND OVERSEAS FILIPINOS IN DISTRESS, SUCH AS VICTIMS OF TRAFFICKING, ILLEGAL RECRUITMENT, SEXUALLY-ABUSED, MALTREATED/MISTREATED OVERSEAS FILIPINOS, ABANDONED/NEGLECTED CHILDREN AND VULNERABLE SECTORS IN COORDINATION WITH THE MEMBERS OF THE COUNTRY TEAM AND PREPARE A SOCIAL WELFARE SITUATIONER OF OVERSEAS FILIPINOS IN THE POST.”

SEC 3. *Interpretation in favor of the welfare of overseas Filipino workers, their families and trafficking victims.* – In the interpretation of any provision of this Act or any rules or regulations issued as a result thereof, the interpretation which is most favorable to ensure the welfare of overseas Filipino workers, their families and trafficking victims shall be controlling. Furthermore, nothing in this Act shall be interpreted to diminish any right or privilege currently being enjoyed or provided to OFWs, their families and victims of trafficking.

SEC. 4. *Funding.* – The amount necessary to carry out the provisions of this Act shall be provided for in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 5. *Implementing Rules and Regulations.* – The Department of Social Welfare and Development, in consultation with the Department of Foreign Affairs, Department of Labor and Employment, Department of Health, Philippine Overseas Employment Administration, Overseas Workers Welfare Administration, Commission on Filipinos Overseas and other relevant stakeholders, shall formulate and issue the implementing rules and regulations for this Act within sixty (60) days after the effectivity of this Act. The Department of Social Welfare and Development shall also provide the criteria for determining the selection of Diplomatic Posts to which Social Welfare Attaches will be deployed and the minimum qualifications and attributes of the Social Welfare Attaches.

SEC. 6. *Separability Clause.* – If, for any reason, any section or provision of this bill is declared unconstitutional or invalid, other sections or provisions hereof shall remain in force.

SEC. 7. *Repealing Clause.* – All laws, decrees, executive orders, rules, regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 8. *Effectivity.* – This Act shall take effect fifteen (15) days after publication in a newspaper of general circulation.

Approved,