

Republic of the Philippines

HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH (17th) CONGRESS
Third Regular Session

House Bill No. 8840



Introduced by: **REPRESENTATIVE ERIC L. OLIVAREZ**

EXPLANATORY NOTE

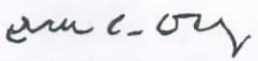
To say that the life of an Overseas Filipino Worker (OFW) is hard is quite an understatement. The gravity and magnitude of the sacrifices entailed by working abroad cannot be fully quantified. While indeed, OFWs remittances help boost the economy of our country, the corresponding social costs are widely felt by the OFWs and the families they leave behind, and it can have a lasting negative effect on the country.

In the past years, we have received news of OFWs being abused, maltreated, detained, murdered, raped, accused wrongly and sometimes even sentenced to life imprisonment and even death without fair trial. OFWs do gamble their lives, freedom and welfare in order to secure the future of their families when they cannot seek employment in our very own motherland. Therefore, it is the duty of the State to protect them and their rights, and ensure their safe repatriation when they encounter problems, whether legal, medical, social, or whatnot.

This Act, therefore, is being proposed to strengthen the support that the State provides for our OFWs in distress, giving particular attention to those who are considered unskilled workers especially our female domestic helpers who are undeniably more at risk to possible abuses, maltreatment, rape, murder, sickness, and other forms of physical, mental and emotional stress abroad.

According to the Philippine Statistics Authority (PSA), the number of Overseas Filipino Workers (OFWs) who worked abroad during the period April to September 2017 was estimated at 2.3 million. The proportion of OFWs was higher for females (53.7%) than males (46.3%). Furthermore, female OFWs were younger compared to male OFWs; More than half of the female OFWs were in elementary occupations (59.0%).¹ Female overseas workers are usually employed as domestic helpers who stay in the private residences of their employers, thus it is much harder to monitor their welfare and respond to their needs timely, as opposed to others who secured jobs from companies which are more regulated and are easily investigated.

While we recognize that responsible government agencies are doing their best to orient Filipinos that will be deployed abroad of the laws of the countries where they will be headed to, and to prepare them on how to deal with employers and what to do and where to go if they need help or government intervention, it cannot serve as the only solution to the problems faced by our OFWs in distress. Indeed, there is a need to allot a Special Assistance Fund for them, to ensure that when faced by a difficult legal, medical or social circumstance that forces them to return to the Philippines, they will be adequately assisted and their repatriation will be properly facilitated.


ERIC OLIVAREZ

¹ 2017 Survey on the Overseas Filipino Workers, culled from <www.psa.gov.ph>

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AN ACT
PROVIDING SPECIAL ASSISTANCE FOR OVERSEAS FILIPINO
WORKERS IN DISTRESS, AND PROVIDING FUNDS THEREFOR
AND FOR OTHER PURPOSES

Section 1. *Short Title.* This Act shall be known as the
“**Distressed OFW Special Assistance Act**”.

Sec. 2. *Declaration of Policy.* It is hereby declared as a policy of the State to accord full protection to overseas Filipino workers, especially those who are considered unskilled workers such as domestic helpers, cleaners, and manufacturing or factory workers as such are more at risk to possible abuses, maltreatment, sickness and physical, mental and emotional stress abroad. Provided, that this special assistance shall cover both documented and undocumented migrant workers.

Sec. 3. *Definition of Terms.* The following terms, as used in this Act, shall mean:

Overseas Filipino Worker (OFW) - a Filipino who is to be engaged, 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."

OFW in Distress – An OFW who has medical or psycho-social problems requiring treatment, hospitalization, and/or counseling; and/or problems like labor, immigration and other issues requiring legal representation as defined by R.A. No. 10022 otherwise known as the Migrant Workers and Overseas Filipinos Act and other related and applicable laws, or any other kind of intervention with the authorities in the country where he or she is found.

Skilled work – Occupations or work that requires specialized training or a learned skill. Typically, a worker reaches that level of expertise after undergoing proper education, apprenticeship or training and, in some cases, gaining certification from a government office or an industry-related accreditation body.

Unskilled work - Elementary occupations that involve the performance of simple and routine tasks, which may require the use of handheld tools and considerable physical effort

Repatriation - the return of a distressed OFW to the Philippines.

Sec. 4. Creation of Fund. A Special Assistance Fund in the amount of one billion pesos (Php 1,000,000.00) is hereby created which shall be utilized for the following purposes, to wit:

- (a) Repatriation;
- (b) Medical expenses, hospitalization and purchase of medicine and other related or necessary kits for the immediate treatment of an OFW, whether sought/availed of abroad, as necessary, or from arrival in the Philippines. Provided that, expenses obtained from arrival in the Philippines shall be in the form of vouchers for six (6) months;
- (c) Migration fees for overstaying Filipinos;
- (d) Legal assistance including litigation expenses, legal fees, payment of translation fees, allowance for court hearing attendance;
- (e) Necessities of OFWs caught in emergencies, detained, or experiencing other similar forms of distress, while awaiting repatriation.
- (f) Any legitimate, related or incidental expenses or costs for rescue operations of distressed OFWs abroad;
- (g) Other similar costs or expenses to incurred for the benefit of the OFW in distress.

Provided, that at least thirty percent (30%) of the total fund shall be allotted as monetary support in the form of lump sum payment not in excess of Fifty Thousand pesos (Php 50,000.00) for each recipient, which should be an OFW who has been a victim of abuse by his/her employer, or one who has been repatriated from his/her host country due to natural or man-made calamities, disasters, armed conflict, war, or other similar circumstances.

Sec. 5. *Special Fund Registry.* A registry or database containing all pertinent information on the utilization of the Special fund, as well as the identity of the recipients thereof, including their

age, sex, type of work, religion/ethnicity, geographical location (i.e. region) of their residence in the Philippines, employer overseas, date of Departure from the Philippines, critical incidents abroad that placed them in a state of distress, and the date of their repatriation, among other crucial details, shall be recorded in the Special Fund Registry.

Sec. 6. Transparency. In the utilization of the Special Fund, the principles of accountability and transparency must be fully observed. In connection, every Filipino citizen has a right to, and shall, on request, be given access to any information pertinent to the utilization of the Special Fund, when such information is under the control or in the possession of any government agency involved in the implementation of this Act. Said concerned government agencies shall maintain appropriate records of their actions under this Act, particularly with regard to disbursements of funds and the identity of recipients. Provided, that the name of the OFWs in distress who are recipients of the Special Fund shall not be disclosed without the consent of the concerned OFW in distress, or unless legally ordered by the courts.

Sec. 7. Implementing Agencies and Rules. The Overseas Workers Welfare Administration (OWWA) shall implement this Act, and shall coordinate with and be supported by the Philippine Overseas Employment Administration (POEA), the Department of Labor and Employment (DOLE), and the Department of Foreign Affairs (DFA). The aforementioned agencies, in consultation with the Department of Budget and Management, as well as representatives of the private sector, men and women stakeholders coming from both skilled and unskilled labor sector, recognized overseas labor organization and non-government organization of migration/migrant workers, shall issue the necessary implementing rules and regulations to implement the provisions of this Act within ninety (90) days after its effectivity.

Sec. 8. Appropriations. The fund needed to initially implement the provisions of this act must be sourced primarily from the General Appropriations Act. The appropriation allotted to

the Assistance to Nationals and Legal Assistance Fund of the DFA, and to the OWWA, shall serve as core fund for the program. Thereafter, the yearly Php 1 Billion appropriation shall be sourced from part of the earnings of the Bureau of Immigration, Duty-Free Philippines, passport processing fees of the DFA, Philippine Charity Sweepstakes office, Philippine Amusement and Gaming Corporation (PAGCOR) and other relevant offices or agencies as may be identified and directed by the President of the Republic of the Philippines.

Sec. 9. Separability Clause. If any provision of this Act is declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall remain valid, and in full force and effect.

Sec. 10. Repealing Clause. All laws, orders, decrees, rules and regulations and other parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified.

Sec. 11. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved.