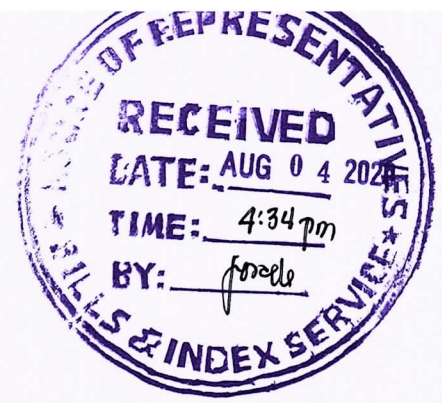


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. 7271



Introduced by

BAYAN MUNA Representatives FERDINAND R. GAITE,
CARLOS ISAGANI T. ZARATE, and EUFEMIA C. CULLAMAT,
ACT TEACHERS Party-List Representative FRANCE L. CASTRO,
GABRIELA Women's Party Representative ARLENE D. BROSAS
and KABATAAN Party-List Representative SARAH JANE I. ELAGO

AN ACT

INCREASING THE AMOUNT AND EXPANDING THE USE OF THE LEGAL
ASSISTANCE FUND, AMENDING FOR THE PURPOSE SECTIONS 25 AND 26 OF
REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS "THE MIGRANT WORKERS
AND OVERSEAS FILIPINOS ACT OF 1995," AS AMENDED

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.

The continuing government policy of neoliberal economic development has only fueled increasing unemployment in the country. OFWs have become the highest income generator contributing to the economy, whose personal remittances in 2019 set an all-time high of \$30.1 billion according to the Banko Sentral ng Pilipinas, representing 10% of the Philippine GDP.

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 Migrante International, many OFWs are subjected to various kinds of abuse or suffer inhumane conditions in the places they work in. During the pandemic-induced lockdowns across the world brought about by COVID-19, the number of distressed OFWs have only increased geometrically as reports of violence, non-payment of wages and other forms of abuse have escalated. The massive joblessness caused by the pandemic further adds to their burden as mass repatriation of OFWs ensues. The lucky ones are able to return home, but those who are unlucky end up dying, killed or locked up in jail, or 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 services of Indonesian law firm Rudyantho & Partners (R&P). In fact, a strong evidence of government's lack of concern for the Veloso case was its failure to investigate and swiftly prosecute Veloso's recruiters Cristina Sergio and Julius Lacanilao. The government only responded when public

1 outrage escalated.

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

6 Various laws have appropriated millions of pesos for legal assistance of OFWs like Veloso. The
7 Migrant Workers' Act of 1995, as amended by R.A. 10022, provided for P100 Million legal
8 assistance fund (LAF), which shall "be used exclusively to provide legal services to migrant workers
9 and overseas Filipinos in distress..." which "shall include the fees for the foreign lawyers to be
10 hired by the Legal Assistant for Migrant Workers Affairs to represent migrant workers facing
11 charges or in filing cases against erring or abusive employers abroad, bail bonds to secure the
12 temporary releases and other litigation expenses." Republic Act No. 11260 or the FY 2019 General
13 Appropriations Act likewise provided P200 Million Legal Assistance Fund under the budget
14 allotment for the DFA.

15 With about 130 Filipinos facing the death penalty abroad, mostly in Malaysia and Saudi Arabia,
16 and at least 3,827 in prison across 52 countries according to the Department of Foreign Affairs
17 (DFA) as of 2017, there is a need to ensure adequate funding for legal assistance and that this fund
18 is actually used to assist our OFWs.

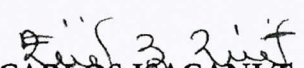
19 This bill aims to increase the allotment for legal assistance fund for migrant and overseas Filipino
20 workers to at least P1,000,000,000 per year and to expand the uses of legal assistance fund to
21 ensure that those languishing in jails, especially those in death rows, will be given a chance to avail
22 of legal services from the start of trial.

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

26 Hence, support for this bill is earnestly sought.

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28 *Approved,*
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35 **REP. FERDINAND R. GAITE**
36 *Bayan Muna Partylist*

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42 **REP. CARLOS ISAGANI T. ZARATE**
43 *Bayan Muna Partylist*

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REP. EUFEMIA C. CULLAMAT
Bayan Muna Partylist

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REP. FRANCE L. CASTRO
ACT Teachers Partylist


REP. ARLENE D. BROSAS
GABRIELA Women's Party


REP. SARAH JANE I. ELAGO
Kabataan Partylist

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2 HOUSE OF REPRESENTATIVES
3 Quezon City

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8 HOUSE BILL No. 7271
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10 Introduced by

11 BAYAN MUNA Representatives FERDINAND R. GAITE,
12 CARLOS ISAGANI T. ZARATE, and EUFEMIA C. CULLAMAT,
13 ACT TEACHERS Party-List Representative FRANCE L. CASTRO,
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15 and KABATAAN Party-List Representative SARAH JANE I. ELAGO

16
17 AN ACT

18 INCREASING THE AMOUNT AND EXPANDING THE USE OF THE LEGAL
19 ASSISTANCE FUND, AMENDING FOR THE PURPOSE SECTIONS 25 AND 26 OF
20 REPUBLIC ACT NO. 8042, OTHERWISE KNOWN AS "THE MIGRANT WORKERS
21 AND OVERSEAS FILIPINOS ACT OF 1995," AS AMENDED
22

23 *Be it enacted by the Senate and House of Representatives of the Republic of the Philippines in Congress assembled:*
24

25 **SECTION 1.** Section 26 of Republic Act No. 8042, otherwise known as the "Migrant Workers
26 and Overseas Filipinos Act of 1995", as amended by R.A. No. 10022, is hereby amended to read
27 as follows:
28

29 "SEC. 26. *Uses of the Legal Assistance Fund.*—The Legal Assistance Fund created under the
30 preceding section shall be used exclusively to provide legal services to migrant workers
31 and overseas Filipinos in distress in accordance with the guidelines, criteria and
32 procedures promulgated in accordance with Section 24 (a) hereof. The expenditures to
33 be charged against the Fund shall include the fees for the foreign lawyers to be hired by
34 the Legal Assistant for Migrant Workers Affairs to represent migrant workers facing
35 charges or in filing cases against erring or abusive employers abroad, bail bonds to secure
36 the temporary releases and other litigation expenses;
37

38 **"PROVIDED, THAT THE LEGAL ASSISTANCE FUND SHALL AT ALL**
39 **TIMES BE MADE AVAILABLE AT THE TIME OF THE ARREST OR**
40 **CHARGING ALL THE WAY TO THE TRIAL PROPER AND AT ALL**
41 **LEVELS OF APPEAL FOR ALL MIGRANT WORKERS FACING CHARGES**
42 **ESPECIALLY THOSE CHARGED WITH PRESCRIBED PENALTY OF LIFE**
43 **IMPRISONMENT OR DEATH;**
44

45 *Provided, That at the end of every year, the Department of Foreign Affairs shall include*
46 *in its report to Congress, as provided for under Section 33 of this Act, the status of the*
47 *Legal Assistance Fund, including the expenditures from the said fund duly audited by the*
48 *Commission on Audit (COA);*
49

50 *Provided, further, That the hiring of foreign legal counsels, when circumstances warrant*
51 *urgent action, shall be exempt from the coverage of Republic Act No. 9184 or the*

Government Procurement Act.”

SECTION 2. Section 25 of Republic Act No. 8042, otherwise known as the “Migrant Workers and Overseas Filipinos Act of 1995”, as amended by Republic Act No. 10022, is hereby amended to read as follows:

“SEC. 25. Legal Assistance Fund.—There is hereby established a legal assistance fund for migrant workers, hereinafter referred to as the Legal Assistance Fund, in the amount of one hundred million pesos (P100,000,000.00) to be constituted from the following sources.

“Fifty million pesos (50,000,000.00) from the Contingency Fund of the President;

“Thirty million pesos (30,000,000.00) from the Presidential Social Fund;

“Twenty million pesos (20,000,000.00) from the Welfare Fund for Overseas Workers established under Letter of Instructions No. 537 as amended by Presidential Decree Nos. 1694 and 1809; and

“An amount appropriated in the annual General Appropriations Act (GAA) which shall not be less than **ONE BILLION PESOS (P1,000,000,000.00)** [Thirty million pesos (30,000,000.00)] per year; *Provided, that* the balance of the Legal Assistance Fund (LAF) including the amount appropriated for the year shall not be less than one hundred million pesos (P100,000,000.00); **PROVIDED, FURTHER, THAT THE PRESIDENT MAY INCREASE THE AMOUNT APPROPRIATED FOR LEGAL ASSISTANCE FUND, SOURCED FROM THE OFFICE OF THE PRESIDENT OR (? Other sources) SHOULD THE FUND PROVE INADEQUATE TO COVER ALL OFWS FACING CHARGES;** *Provided, further, That* the fund shall be treated as a special fund in the National Treasury and its balance, including the amount appropriated in the GAA, which shall form part of the Fund, shall not revert to the General Fund.

“Any balances of existing funds which have been set aside by the government specifically as legal assistance or defense fund to help migrant workers shall upon effectivity of this Act, be turned over to, and form part of, the Fund created under this Act.”

SECTION 3. *Repealing Clause.*—All laws, orders, issuances, rules and regulations or part thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 4. *Effectivity Clause.* This Act shall take effect within fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,